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NOTICE REGARDING PRIVACY ACT PUBLICATIONS GUIDELINES

The Office of the Federal Register announces that the Privacy Act Publications Guidelines originally scheduled for the June 16th issue of the Federal Register appears in today's edition. A government-wide meeting will be held at 2:00 p.m. on Tuesday, July 1, 1975, in the GSA Auditorium, 18th and F Sts., NW., to address questions about Privacy Act publications. Further information about this meeting will appear in the Guidelines.

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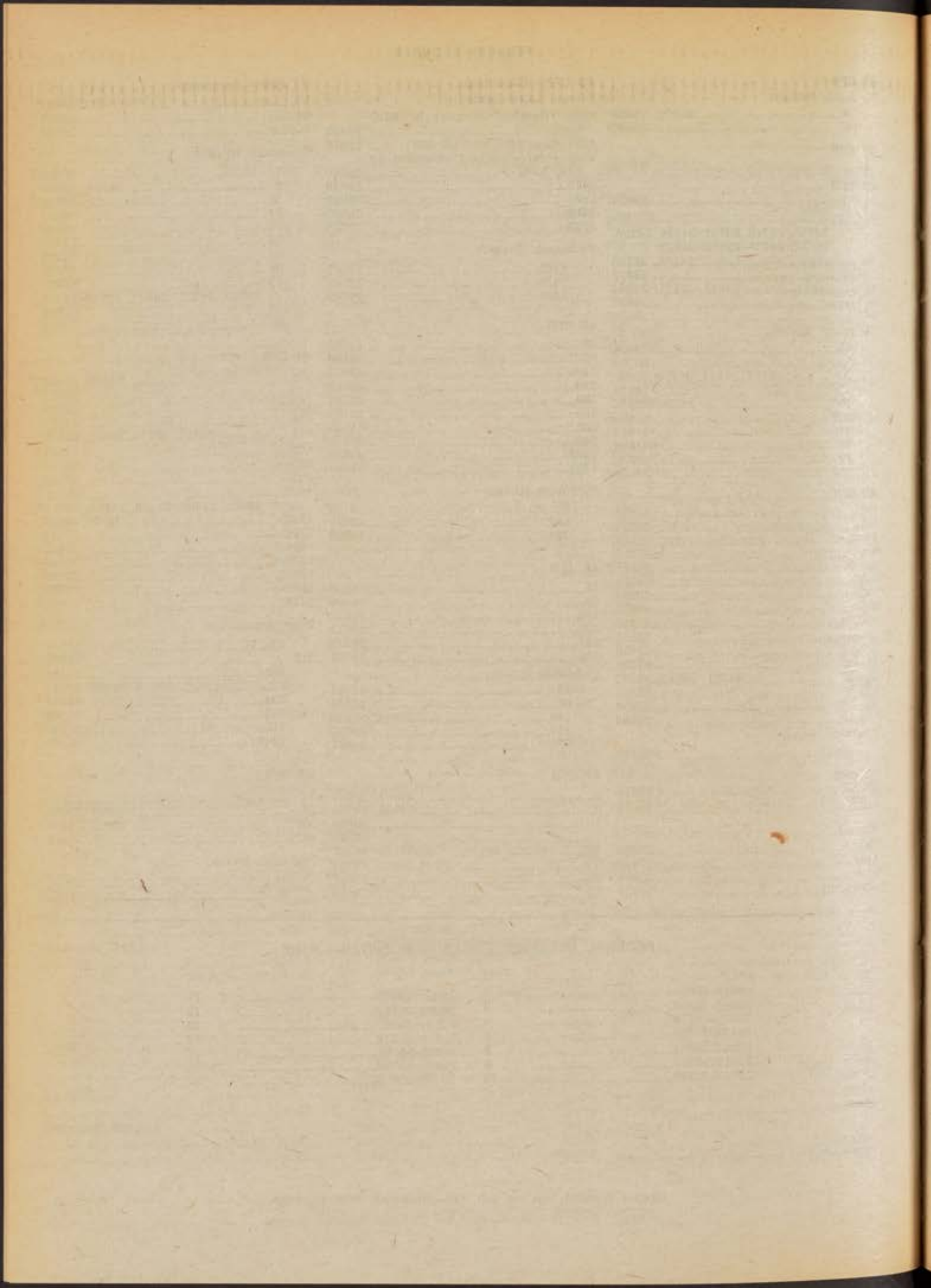
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Frozen Broccoli; Correction

In FR Doc. 75-8824 appearing at page 15890 in the issue of Tuesday, April 8, 1975, make the following corrections:

(1) Appearing at page 15892 § 52.634 (c)(1) now reading "Not more than slightly" make read "Slightly."

(2) Appearing at page 15893 § 52.637 Table IV in the column headed "Defects" the twentieth line now reading "More than slightly" make read "Slightly."

(3) Appearing at page 15895 § 52.638 (a) the citation in the seventh line now reading "(§ 52.83)" make read "(§ 52.1-52.83)"; § 52.639(a)(1)(ii) add the word "scale" immediately after the word "suitable."

Dated: June 13, 1975.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc. 75-15958 Filed 6-18-75; 8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Orange Reg. 73, Amdt. 7; Export Reg. 24, Amdt. 10]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Minimum Grade Requirements

These amendments lower the minimum grade requirements applicable to domestic and export shipments of Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type grown in the production area in Florida. The lower minimum grade regulation effective for the period June 16 through June 22, 1975, and progressively lower grade requirements effective for the periods June 23 through June 29, 1975, and June 30 through September 28, 1975, are necessary to satisfy the current and prospective demand for such oranges during the period of seasonally reduced supply.

The amended regulations recognize the anticipated decline in external appearance of the oranges remaining for fresh shipment from the 1974-75 crop.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the requirements applicable to Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) These amendments reflect the Department's appraisal of the current and prospective demand for Florida Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type by domestic and export outlets. The lower grade requirements specified for domestic and export shipments of Valencia and other late-type oranges are consistent with the lesser quality fruit expected to be available during the balance of the season. Total fresh shipments of Florida round oranges for the season through June 8, 1975, totaled 21,378 carlots, and there were an estimated 1,293 carlots remaining for shipment.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of these amendments until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which these amendments are based became available and the time when these amendments become effective in order to effectuate the declared policy of the act is insufficient; and these amendments lower requirements applicable to the handling of Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type grown in Florida.

Order. 1. In § 905.555 (Orange Regulation 73: 39 FR 32976, 37186, 40745, 42899; 40 FR 2792, 12646, 14889) the provisions of paragraph (b)(9) are amended to read as follows:

§ 905.555 Orange Regulation 73.

(b) * * *

(9) Any Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which do not grade at least U.S. No. 1 Golden: *Provided*, That during the period June 23, 1975, through June 29, 1975, such oranges may be shipped if they grade at least U.S. No. 2: *Provided further*, That during the period June 30, 1975, through September 28, 1975, such oranges may be shipped if they grade at least U.S. No. 2 Russet; and

2. In § 905.559 (Export Regulation 24: 39 FR 32976; 37186; 40 FR 2792, 11345, 12646, 14889, 16210, 20061, 21467, 24174) the provisions of paragraph (b)(9) are amended to read as follows:

§ 905.559 Export Regulation 24.

(b) * * *

(9) Any Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which do not grade at least U.S. No. 2, except that such oranges shall be free from damage caused by dryness or mushy condition: *Provided*, That during the period June 23, 1975, through June 29, 1975, such oranges may be shipped if they grade at least U.S. No. 2: *Provided further*, That during the period June 30, 1975, through September 28, 1975, such oranges may be shipped if they grade at least U.S. No. 2 Russet;

(Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674))

Dated, June 13, 1975, to become effective June 16, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 75-15956 Filed 6-18-75; 8:45 am]

[Valencia Orange Reg. 503]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period June 20-26, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of

Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.803 Valencia Orange Regulation 503.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges is noticeably weaker as buyers are anticipating volume arrivals of deciduous fruit. Prices f.o.b. averaged \$3.79 per carton on a reported sales volume of 987,000 cartons last week, compared with an average f.o.b. price of \$3.69 per carton and sales of 898,000 cartons a week earlier. Track and rolling supplies at 541 cars were down 35 cars last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the cir-

cumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of person subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 17, 1975.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period June 20, 1975, through June 26, 1975, are hereby fixed as follows:

(i) District 1: 245,000 cartons;

(ii) District 2: 455,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handler", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; (7 U.S.C. 601-674))

Dated: June 18, 1975.

CHARLES R. BRADER,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[FR Doc.75-16196 Filed 6-18-75;12:08 am]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Expenses and Rate of Assessment and Carryover of Unexpended Funds

This document authorizes expenses of \$135,250 for the Avocado Administrative Committee under Marketing Order No. 915, for the 1975-76 fiscal year and fixes a rate of assessment of \$0.15 per bushel of avocados handled in such period to be paid to the Committee by each first handler as his pro rata share of such expenses.

On May 15, 1975, notice of rulemaking was published in the FEDERAL REGISTER (40 FR 21033) inviting written comments not later than May 30, 1975, regarding proposed expenses and the related rate of assessment for the period beginning April

1, 1975, through March 31, 1976, and carryover of unexpended funds, pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida. None were received. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Avocado Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 915.214 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* Expenses which are reasonable and likely to be incurred by the Avocado Administrative Committee during the period April 1, 1975, through March 31, 1976, will amount to \$135,250.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 915.41, is fixed at \$0.15 per bushel of avocados.

(c) *Reserve.* Unexpended assessment funds in the amount of approximately \$4,379, which are in excess of expenses incurred during the fiscal year ended March 31, 1975, shall be carried over as a reserve in accordance with §§ 915.42 and 915.205 of said amended marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of avocados began on or about June 9, 1975, (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable avocados handled during the aforesaid period, and (3) such period began on April 1, 1975, and said rate of assessment will automatically apply to all such avocados beginning with such date.

(Secs. 1-19, 48 Stat. 31, as amended; (7 U.S.C. 601-674))

Dated: June 13, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and
Vegetable Division, Agricul-
tural Marketing Service.

[FR Doc.75-15955 Filed 6-18-75;8:45 am]

**Title 13—Business Credit and Assistance
CHAPTER III—ECONOMIC DEVELOPMENT
ADMINISTRATION, DEPARTMENT OF
COMMERCE**

**PART 305—PUBLIC WORKS AND
DEVELOPMENT FACILITIES PROGRAM**

Grant and Loan Program

Part 305 of Chapter III of Title 13 of the Code of Federal Regulations is hereby amended.

In that the material contained herein is a matter relating to the grant and loan

program of the Economic Development Administration and because a delay in implementing these regulations would be contrary to the public interest, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable.

1. Part 305 is amended by revising § 305.59 to read as follows:

§ 305.59 Property management.

(a) The grantee shall use any land, improved land, structures, appurtenances thereto, or other improvements, excluding movable machinery and equipment, acquired in whole or in part with Federal funds only for the authorized purpose of the original grant during the expected useful life of the project or for as long as the Assistant Secretary determines that such property is needed. Should the grantee fail to comply with this provision, EDA may require the grantee to compensate the agency in accordance with the provisions in paragraph (d) of this section.

(1) When the authorized purpose of the EDA grant is to develop land in order to sell, lease or otherwise convey it for a specific use, the Assistant Secretary may approve such sale, lease or other conveyance, if he determines that such conveyance is consistent with the authorized general and special purpose of the grant and EDA policies concerning, but not limited to, nondiscrimination, nonrelocation, excessive profits, and adequate consideration. If the Assistant Secretary has approved the sale, lease or other conveyance, the provisions of paragraphs (c) and (d) of this section do not apply.

(b) Whenever land, improved land, structures, appurtenances thereto, or other improvements, excluding movable machinery and equipments, are sold, leased or otherwise conveyed pursuant to paragraph (a) (1) of this section, the grantee shall add a covenant to the deed, which must be satisfactory to the Assistant Secretary, prohibiting the use of such property for any purpose other than the general and special purpose of the grant as determined by the Assistant Secretary. The grantee shall notify EDA of the prospective conveyance and provide EDA with a copy of the covenant at least 30 days before the sale, lease or conveyance of the property. The deed containing the covenant approved by the Assistant Secretary shall be recorded in the pertinent county public records affecting real property. Should the grantee fail to comply with this provision, EDA may require the grantee to compensate the agency in accordance with the provisions in paragraph (d) of this section.

(c) In the event that the grantee determines that the land, improved land, structures, appurtenances thereto, or other improvements, excluding movable machinery and equipment, are no longer needed for the original grant purpose they may be used in other Federal grant programs, or programs that have pur-

poses consistent with those authorized for support by EDA. *Provided*, That the approval of the Assistant Secretary is obtained.

(d) Whenever the Assistant Secretary determines that the land, improved land, structures, appurtenances thereto, or other improvements, excluding movable machinery and equipment, are no longer needed as provided in paragraphs (a) and (c) of this section and the expected useful life of such property has not expired, the grantee shall return all such property furnished or purchased wholly with Federal grant funds to the control of EDA. In the case of property purchased in part with Federal grant funds, the grantee may be permitted to take title to the Federal interest upon compensating the Federal Government for its fair share of the property. The Federal share of the property shall be the amount computed by applying the percentage of the Federal participation in the total cost of the grant program for which the property was acquired to the current fair market value of the property.

(e) Except when property is sold pursuant to paragraph (a) (1) of this section, land, improved land, structures, appurtenances thereto, or other improvements, excluding movable machinery and equipment, may not be used to secure a mortgage or deed of trust or otherwise be used as collateral, except to secure a loan made by a State or Federal agency or other public body participating in the same project unless EDA has been compensated in accordance with the procedures of paragraph (d) of this section, prior to the attachment of the encumbrance.

(1) The Assistant Secretary may waive the provisions of this paragraph when he determines all of the following that:

(i) The applicant because of its nature and makeup does not have the financial resources to provide the non-Federal share without a loan from a private lender;

(ii) It is in the best interest of the government not to provide to the applicant a Public Works Loan for its matching share;

(iii) The project is closely allied with the community in which it is to be located which would make it unlikely that foreclosure by a private lender would be undertaken;

(iv) The private lender would not otherwise lend money without the security of a lien on the project property;

(v) There is no reasonable expectation that the loan by the private lender will not be repaid thus eliminating any reasonable expectation of foreclosure by the private lender;

(vi) Whenever possible the grantee has obtained an agreement from the private lender that in the event of foreclosure of the project that such property would continue to be used for public purposes.

(f) The term "sell" and its derivatives shall include any conveyance or transfer of any interest in the property, including, but not limited to, renting or leasing,

to any party other than the grantee. Any document which conveys or transfers an interest in, or a right to the use or possession of the property must contain a covenant which prohibits the use of the said property for any purpose other than the purpose of the grant.

(g) (1) The grantee shall execute a document satisfactory to the Regional Director which shall be recorded, before the initial disbursement of funds, in the pertinent county public records affecting real property. Said agreement shall include, but not be limited to the following:

(i) A prohibition against the use of the project during its expected useful life for other than the purpose for which the project was financed by the Economic Development Administration unless the approval of the Assistant Secretary is first obtained in writing.

(ii) A prohibition against the sale, transfer, conveyance, mortgaging or leasing of the real property acquired as a part of the project or real property specifically improved and included as a part of the project unless the approval of the Assistant Secretary is first obtained in writing. Such approval shall not be arbitrarily withheld, but shall be based on the Assistant Secretary's decision that the sale, transfer, conveyance, mortgaging or leasing of the real property is consistent with the authorized general and special purpose of the grant and EDA policies.

(2) The document shall specify in years the expected useful life of the project. Such period of expected useful life may be derived from Internal Revenue Service depreciation schedules, an architect's or engineer's certified determination for this particular project, or the term utilized by a pertinent State regulatory agency.

(Sec. 701, Pub. L. 89-136 (August 26, 1965) (42 U.S.C. 3211); 79 Stat. 570 and Department of Commerce Organization Order 10-4 (April 1, 1970) as amended (35 FR 5970 as amended at 40 FR 12532))

Effective date. This amendment becomes effective on June 19, 1975.

Dated: June 13, 1975.

WILMER D. MIZELL,
Assistant Secretary
for Economic Development.

[FR Doc. 75-15971 Filed 6-18-75; 8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 13057, Amdt. No. 121-120]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Extension of Compliance Date: Carriage of Weapons and Escorted Persons

The purpose of this amendment to Part 121 of the Federal Aviation Regulations is to extend the effective date of Amendment No. 121-118 for one month.

On April 12, 1975, the FAA issued Amendment 121-118, effective June 20, 1975, to Part 121 of the Federal Aviation Regulations (published in the FEDERAL REGISTER on April 21, 1975; 40 FR 17551) to provide rules for the carriage of deadly or dangerous weapons and persons in the custody of law enforcement personnel aboard aircraft operated by Part 121 certificate holders. The amendment also applies to air travel clubs certificated under Part 123 and to air taxi operators certificated under Part 135, when conducting operations governed by those parts with large airplanes. The amendment was based on a notice of proposed rule making (Notice 73-21) published in the FEDERAL REGISTER on July 27, 1973 (38 FR 20098).

When the FAA adopted Amendment 121-118, it believed that it provided adequate time for compliance. However, since the publication of the amendment, a number of certificate holders have indicated a need for additional time to complete manual revisions that provide guidance to airline employees, including airline security operating personnel, and to effect training of the appropriate personnel. There is also a need for additional time for law enforcement agencies to compete instructions and guidance to be used by their law enforcement personnel.

The FAA has determined that a one-month postponement of the effective date of Amendment No. 121-118 is needed and would provide adequate time for compliance, and that the postponement would be in the public interest.

In view of the imminence of the present effective date and since this amendment imposes no additional burden on any person, I find that notice and public procedure thereon are impractical and that good cause exists for making this amendment effective in less than 30 days.

(Secs. 313(a), 601, 604, 902(1), Federal Aviation Act of 1958) (49 U.S.C. 1354(a), 1421, 1424, 1472(1)); sec. 6(c), Department of Transportation Act; (49 U.S.C. 1655(e)))

In consideration of the foregoing, effective June 17, 1975, the effective date of Amendment 121-118 is changed from June 20, 1975, to July 20, 1975.

Issued in Washington, D.C., on June 17, 1975.

JAMES E. DOW,
Acting Administrator.

[FR Doc. 75-16174 Filed 6-18-75; 9:59 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2668]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Commercial Investors, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 Formal regulatory and statutory requirements; 13.73-92 Truth in Lending Act; § 13.155 Prices; 13.155-95 Terms and conditions;

13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 Terms and conditions; 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852-75 Truth in Lending Act; § 13.190 Terms and conditions; 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46, Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601 et seq.)

In the Matter of Commercial Investors, Inc., a Corporation, Virginia Mortgage and Loan Association, Inc., a Corporation, and John L. Lane, Jr., Individually and as an Officer of said Corporations.

Consent order requiring a Hampton, Va., loan broker among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Commercial Investors, Inc., a corporation, its successors and assigns, and its officers, and Virginia Mortgage and Loan Association, Inc., a corporation, its successors and assigns, and its officers, and John L. Lane, Jr., individually and as an officer of said corporations, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension or arrangement for the extension of consumer credit or advertisement to aid, promote or assist, directly or indirectly, any extension or arrangement for the extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to include the broker's fee or finder's fee in the determination of the finance charge, as required by § 226.4(a) (3) of Regulation Z.
2. Failing to disclose the broker's fee or finder's fee as prepaid finance charge, as required by § 226.8(e) (1) of Regulation Z, using the term "prepaid finance charge," as required by § 226.8(d) (2) of Regulation Z.
3. Failing to itemize the components of the finance charge, as required by § 226.8(d) (3) of Regulation Z.
4. Failing to disclose accurately the annual percentage rate computed in accordance with § 226.5(b) of Regulation Z, as required by § 226.8(b) (2) of Regulation Z.
5. Failing to print the terms "finance charge" and "annual percentage rate"

¹ Copies of the Complaint, Decision and Order, filed with the original document.

more conspicuously than other terminology, as required by § 226.6(a) of Regulation Z.

6. Failing to disclose clearly the method of computing any unearned portion of the finance charge in the event of prepayment of the obligation, as required by § 226.6(a) of Regulation Z.

7. Failing to identify the broker as a creditor, as "creditor" is defined in § 226.2(m) of Regulation Z, as required by § 226.6(d) of Regulation Z.

8. Failing to provide the borrower complete consumer credit costs disclosures before consummation of the transaction, as required by § 226.8(a) of Regulation Z.

9. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.8, 226.9 and 226.10 of Regulation Z.

It is further ordered, That respondents prominently display no less than two signs on the premises which will clearly and conspicuously state that a customer must receive a complete copy of the consumer credit cost disclosures, as required by the Truth in Lending Act, in any transaction which is financed, before the transaction is consummated.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents such as dissolution, assignment or sale resulting in the emergence of any successor corporations, the creation or dissolution of subsidiaries or any other change in the corporations which may affect compliance obligations arising out of the order.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the arranging for the extension of consumer credit and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliations with a new business or employment. Such notice shall include respondent's current business addresses and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission May 12, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc. 75-15975 Filed 6-18-75; 8:45 am]

[Docket C-2669]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Filmindex Chex System Incorporated et al.

Subpart—Collecting, assembling, furnishing or utilizing consumer reports; § 13.382 Collecting, assembling, furnishing or utilizing consumer reports; 13.382-1 Confidentiality, accuracy, relevancy, and proper utilization; 13.382-1 (a) Fair Credit Reporting Act; 13.382-5 Formal regulatory and/or statutory requirements; 13.382-5(a) Fair Credit Reporting Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 84 Stat. 1127-36; 15 U.S.C. 1601, et seq.)

In the Matter of Filmindex Chex System Incorporated, a Corporation, and Joseph E. Slattery, Individually and as an Officer of Said Corporation

Consent order requiring a Centerville, Va., credit reporting company, among other things to cease furnishing, in violation of the Fair Credit Reporting Act; such information as has been gathered by respondents on consumers to persons without a permissible purpose.

The order to Cease and Desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Filmindex Chex System Incorporated, a corporation, its successors and assigns, and its officers, and Joseph E. Slattery, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with collecting, preparation, assembling and/or furnishing of consumer reports as "consumer report" is defined in section 603(d) of the Fair Credit Reporting Act (Pub. L. 91-508, 15 U.S.C., 1601 et seq.), shall forthwith cease and desist from:

1. Furnishing any consumer report to any person, unless such report is furnished:
 - a. In response to the order of a court having jurisdiction to issue such order; or
 - b. In accordance with the written instructions of the consumer to whom the report relates; or
 - c. To a person which respondents then has reason to believe intends, at the time the information is furnished, to use the information:
 - (1) In connection with a credit transaction involving the consumer on whom the information is to be furnished and involving the extension of credit to, or review or collection of an account of, the consumer; or
 - (2) For employment purposes; or
 - (3) In connection with the underwriting of insurance involving the consumer; or

¹Copies of the Complaint, Decision and Order, filed with the original document.

(4) In connection with a determination of the consumer's eligibility for a license or other benefit granted by a governmental instrumentality required by law to consider an applicant's financial responsibility or status; or

(5) In connection with a business transaction involving each consumer, reported upon.

2. Furnishing consumer reports in list form, unless the identity of the consumer to whom the information relates is not disclosed on such list, and cannot be determined without the use of additional information and identification to be provided by the consumer. Such additional information and identification to be provided at the time of the transaction with the user.

3. Failing to require prospective users of consumer reports to certify the purposes for which the information in such reports is sought, and that it will be used for no other purpose, in accordance with section 607 of the Fair Credit Reporting Act.

4. Furnishing consumer reports to any user or prospective user of such reports who does not first provide the identification and the certification of purpose for which information in such reports is sought, as required by section 607(a) of the Fair Credit Reporting Act.

5. Failing to maintain reasonable procedures necessary to limit the furnishing of consumer reports to the purpose listed under section 604 of the Act, as provided by section 607 of the Act.

6. Failing to include the following statement on the face sheet of series of consumer reports published and distributed by respondents with such conspicuousness and clarity as is likely to be read and understood by users of such consumer reports:

"a. Information contained within these series of consumer reports will be used exclusively by the designated recipient or his representatives for the following permissible purposes and no other:

- (1) In connection with a credit transaction involving the consumer on whom the information is to be furnished and involving the extension of credit to, or review or collection of an account of, the consumer; or
- (2) In connection with employment purposes; or
- (3) In connection with the underwriting of insurance involving the consumer; or
- (4) In connection with a determination of the consumer's eligibility for a license or other benefit granted by a governmental instrumentality required by law to consider an applicant's financial responsibility or status; or
- (5) In connection with a legitimate business need for the information in connection with a business transaction involving the consumer.

b. It is understood by the users of these series of consumer reports that Pub. L. 91-508, section 619, states 'Any person who knowingly and willfully obtains information on a consumer from a consum-

er reporting agency under false pretenses shall be fined not more than \$5,000 or imprisoned not more than one year, or both.'

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the preparation and/or furnishing of consumer reports, and that respondents secure a signed statement acknowledging receipt of said order from all such personnel.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

The Decision and Order was issued by the Commission May 16, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc. 75-15076 Filed 6-18-75; 8:45 am]

[Docket C-2664]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Roy D. Hansen t/a Roy Hansen Mortgage Co.

Subpart—Advertising falsely or misleadingly: § 13.73 Formal regulatory and statutory requirements; 13.73-92 Truth in Lending Act; § 13.155 Prices; 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 Terms and conditions; 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852-75 Truth in Lending Act; § 13.1905 Terms and conditions; 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601, et seq.)

In the Matter of Roy D. Hansen, an Individual, Trading and Doing Business as Roy Hansen Mortgage Company.

Consent order requiring an Arlington, Va., loan broker, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Roy D. Hansen, an individual, trading and doing business as Roy Hansen Mortgage Company, or under any other name or names, his successors and assigns, and respondent's agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension or arrangement for the extension of consumer credit or advertisement to aid, promote or assist, directly or indirectly, any extension or arrangement for the extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to disclose the broker's fee or finder's fee as a prepaid finance charge, as required by § 226.8(e)(1) of Regulation Z, using the term "prepaid finance charge", as required by § 226.8(d)(2) of Regulation Z.

2. Failing to itemize the components of the finance charge, as required by § 226.8(d)(3) of Regulation Z.

3. Failing to disclose accurately the annual percentage rate computed in accordance with § 226.5(b) of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

4. Failing to print the terms "finance charge" and "annual percentage rate" more conspicuously than other terminology, as required by § 226.6(a) of Regulation Z.

5. Failing to disclose clearly the method of computing any unearned portion of the finance charge in the event of prepayment of the obligation, as required by § 226.6(a) of Regulation Z.

6. Failing to identify each creditor, as "creditor" is defined in § 226.2(m) of Regulation Z, as required by § 226.6(d) of Regulation Z.

7. Failing to provide the borrower complete consumer credit cost disclosures before consummation of the transaction, as required by § 226.8(a) of Regulation Z.

8. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.8, 226.9 and 226.10 of Regulation Z.

It is further ordered, That respondent prominently display no less than two

signs on the premises which will clearly and conspicuously state that a customer must receive a complete copy of the consumer credit cost disclosures, as required by the Truth in Lending Act, in any transaction which is financed, before the transaction is consummated.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondent engaged in the arranging for the extension of consumer credit, and that respondent secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That the respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliations with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That respondent herein shall within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with this order.

The Decision and Order was issued by the Commission May 13, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc. 75-15977 Filed 6-18-75; 8:45 am]

[Docket C-2667]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Julian L. Levinson t/a Associates Mortgage Co.

Subpart—Advertising falsely or misleadingly: § 13.73 Formal regulatory and statutory requirements; 13.73-92 Truth in Lending Act; § 13.155 Prices; 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 Terms and conditions; 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852-75 Truth in Lending Act; § 13.1905 Terms and conditions; 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46, Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601 et seq.)

In the Matter of Julian L. Levinson, an Individual, Trading and Doing Business as Associates Mortgage Company.

Consent order requiring a Hampton, Va., loan broker, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Julian L. Levinson, an individual, trading and doing business as Associates Mortgage Company, or under any other name or names, his successors and assigns, and respondent's agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension or arrangement for the extension of consumer credit or advertisement to aid, promote or assist, directly or indirectly, any extension or arrangement for the extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to include the broker's fee or finder's fee in the determination of the finance charge, as required by § 226.4(a)(3) of Regulation Z.

2. Failing to disclose the broker's fee or finder's fee as a prepaid finance charge, as required by § 226.8(e)(1) of Regulation Z, using the term "prepaid finance charge", as required by § 226.8(d)(2) of Regulation Z.

3. Failing to itemize the components of the finance charge, as required by § 226.8(d)(3) of Regulation Z.

4. Failing to disclose accurately the annual percentage rate computed in accordance with § 226.5(b) of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

5. Failing to print the terms "finance charge" and "annual percentage rate" more conspicuously than other terminology, as required by § 226.6(a) of Regulation Z.

6. Failing to disclose clearly the method of computing any unearned portion of the finance charge in the event of prepayment of the obligation, as required by § 226.6(a) of Regulation Z.

7. Failing to identify the broker as a creditor, as "creditor" is defined in § 226.2(m) of Regulation Z, as required by § 226.6(d) of Regulation Z.

8. Failing to provide the borrower complete consumer credit cost disclosures before consummation of the transaction, as required by § 226.8(a) of Regulation Z.

9. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.8, 226.9 and 226.10 of Regulation Z.

It is further ordered, That respondent prominently display no less than two signs on the premises which will clearly and conspicuously state that a customer must receive a complete copy of the consumer credit cost disclosures, as required by the Truth in Lending Act, in any transaction which is financed, before the transaction is consummated.

¹ Copies of the Complaint, Decision and Order, filed with the original document.

¹ Copies of the Complaint, Decision and Order, filed with the original document.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondent engaged in the arranging for the extension of consumer credit, and that respondent secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That the respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliations with a new business or employment. Such notice shall include respondent's current business addresses and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondent herein shall within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with this order.

The Decision and Order was issued by the Commission May 12, 1975.

CHARLES A. TORIN,
Secretary.

[FR Doc.75-15978 Filed 6-18-75; 8:45 am]

[Docket 8943]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Maryland Carpet Outlet Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; 13.10-1 Availability of merchandise and/or facilities; § 13.15 Business status, advantages or connections; 13.15-225 Personnel or staff; 13.250 Qualifications and abilities; § 12.20 Comparative data or merits; § 13.30 Composition of goods; 13.30-75 Textile Fiber Products Identification Act; § 13.35 Condition of goods; § 13.70 Fictitious or misleading guarantees; § 13.73 Formal regulatory and statutory requirements; 13.73-90 Textile Fiber Products Identification Act; 13.73-92 Truth in Lending Act; § 13.75 Free goods or services; § 13.135 Nature of product or service; § 13.155 Prices; 13.155-5 Additional charges unmentioned; 13.155-10 Bait; 13.155-15 Comparative; 13.155-40 Exaggerated as regular and customary; 13.155-70 Percentage savings; 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act; § 13.160 Promotional sales plans; § 13.180 Quantity; 13.180-30 In stock; § 13.205 Scientific or other relevant facts. Subpart—Contracting for sale any evidence of indebtedness prior to specified time: § 13.527 Contracting for sale any evidence of indebtedness prior to specified time. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 15.533-40 Furnishing information to media; 13.533-45 Maintain records; 13.533-45(a) Advertising substantiation; 13.533-45(e)

Correspondence; 13.533-45(k) Records, in general. Subpart—Disparaging products, merchandise, services, etc.: § 13.1042 Disparaging products, merchandise services, etc. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records; 13.1051-20 Adequate. Subpart—Invoicing products falsely: § 13.1108 Invoicing products falsely; 13.1108-80 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1212 Formal regulatory and statutory requirements; 13.1212-80 Textile Fiber Products Identification Act. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1520 Personnel or staff; § 13.1535 Qualifications. —Goods § 13.1572 Availability of advertised merchandise and/or facilities; § 13.1575 Comparative data or merits; § 13.1623 Formal regulatory and statutory requirements; 13.1623-80 Textile Fiber Products Identification Act; 13.1623-95 Truth in Lending Act; § 13.1625 Free goods or services; § 13.1647 Guarantees; § 13.1685 Nature; § 13.1740 Scientific or other relevant facts; § 13.1760 Terms and conditions; 13.1760-50 Sales contract. —Prices § 13.1778 Additional costs unmentioned; § 13.1779 Bait; § 13.1785 Comparative; § 13.1805 Exaggerated as regular and customary; § 13.1823 Terms and conditions; 13.1823-20 Truth in Lending Act. —Promotional sales plans; § 13.1830 Promotional sales plans. Subpart—Neglecting, unfairly or deceptively to make material disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852-70 Textile Fiber Products Labeling Act; 13.1852-75 Truth in Lending Act; § 13.1855 Identity; § 13.1870 Nature; § 13.1882 Prices; 13.1882-10 Additional costs unmentioned; § 13.1886 Quality, grade or type; § 13.1892 Sales contract, right-to-cancel provision; § 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions; 13.1905-60 Truth in Lending Act. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1955 Free goods; § 13.1980 Guarantee, in general; § 13.2063 Scientific or other relevant facts. (Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 72 Stat. 1717; 15 U.S.C. 45, 1601 et seq., 70.)

In the Matter of Maryland Carpet Outlet, Inc., a Corporation, and Allen R. Tepper, Individually, and as an Officer of Said Corporation.

Order requiring a Brooklyn Park, Md., seller, distributor, and installer of carpeting and floor coverings, among other things to cease using bait and switch tactics and other deceptive selling practices. Further, the order requires respondents to cease violating the Truth in Lending Act by failing to disclose to customers, in the extension of consumer credit, such information as is required by Regulation Z of the said Act and to cease violating the Textile Fiber Products Identification Act.

The final order modified and adopting initial decision is as follows:¹

This matter has come before the Commission on the motion of respondents for consideration of the question whether the consumer warning provision ordered by the Administrative Law Judge should be adopted as part of the Commission's cease-and-desist order. The Commission has determined that this matter is indistinguishable from the matters of *Wilbanks Carpet Specallists, Inc., et al.*, Docket 8933, *Tri-State Carpets, Inc., et al.*, Docket 8945, *Theodore Stephen Co., Inc., et al.*, Docket 8944, *Sir Carpet, Inc., et al.*, Docket 8981, and *Freight Liquidators, Inc., et al.*, Docket 8937, inasmuch as the record presents insufficient evidence that a consumer warning is a necessary or appropriate means for the termination of the acts or practices complained of or for the prevention of their recurrence. Having declined to order a consumer warning in the five earlier matters, the Commission has concluded that the same disposition is warranted herein.

Accordingly, the initial decision issued by the Judge should be modified in accordance with the foregoing views of the Commission, and as so modified, adopted as the decision of the Commission.

It is ordered, That the initial decision issued by the Administrative Law Judge be modified by striking therefrom the following:

Those portions of the conclusions of law which concern "consumer warning" relief (at pp. 29-31 sub nom. "THE REMEDY"); and the first "FURTHER ORDERED" paragraph of Part III of the order to cease and desist issued by the Judge (at pp. 51-52).

As so modified, the initial decision is hereby adopted.

The order contained in the initial decision is as follows:²

It is ordered, That respondents Maryland Carpet Outlet, Incorporated, a corporation, its successors and assigns, and its officers, and Allen R. Tepper, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of carpeting and floor coverings, or any other article of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using, in any manner, a sales plan, scheme, or device wherein false, misleading, or deceptive statements or representations are made in order to obtain leads or prospects for the sale of carpeting or other merchandise or services.

¹ Copies of the Complaint, Initial Decision, Opinion and Final Order, filed with the original document.

² Copies of the Complaint, Initial Decision, Opinion and Final Order, filed with the original document.

2. Making representations, directly or indirectly, orally or in writing, purporting to offer merchandise or services for sale when the purpose of the representation is not to sell the offered merchandise or services but to obtain leads or prospects for the sale of other merchandise or services at higher prices.

3. Advertising or offering merchandise or services for sale when the advertised merchandise or services is inadequate for the purposes for which it is offered.

4. Discouraging or disparaging in any manner the purchase of any merchandise or services which are advertised or offered for sale.

5. Failing to maintain and produce for inspection and copying for a period of three years adequate records to document for the entire period during which each advertisement was run and for a period of six weeks after the termination of its publication in press or broadcast media:

a. The cost of publishing each advertisement including the preparation and dissemination thereof;

b. The volume of sales made of the advertised product or service at the advertised price; and

c. A computation of the net profit from the sales of each advertised product or service at the advertised price.

6. Advertising the price of carpet, either separately or with padding and installation included, for specified areas of coverage without disclosing in immediate conjunction and with equal prominence the square yard price for additional quantities of such carpet with padding and installation needed.

7. Representing, directly or indirectly, orally or in writing, that any merchandise or services are offered for sale when such offer is not a bona fide offer to sell such merchandise or services.

8. Using the words "Sale", "Clearance", "Pre-Holiday Sale", or any other word or words of similar import or meaning not set forth specifically herein, unless the price of such merchandise or service being offered for sale constitutes a reduction, in an amount not so insignificant as to be meaningless, from the actual bona fide price at which such merchandise or service was sold or offered for sale to the public on a regular basis by respondents for a reasonably substantial period of time in the recent, regular course of their business.

9. (a) Representing, directly or indirectly, orally or in writing, that by purchasing any of said merchandise or services, customers are afforded savings amounting to the difference between respondents' stated price and respondents' former price unless such merchandise or services have been sold or offered for sale in good faith at the former price by respondents for a reasonably substantial period of time in the recent, regular course of their business.

(b) Representing, directly or indirectly, orally or in writing, that by purchasing any of said merchandise or services, customers are afforded savings amounting to the difference between respondents' stated price and a com-

pared price for said merchandise or services in respondents' trade area unless a substantial number of the principal retail outlets in the trade area regularly sell said merchandise or services at the compared price or some higher price.

(c) Representing, directly or indirectly, orally or in writing, that by purchasing any of said merchandise or services, customers are afforded savings amounting to the difference between respondents' stated price and a compared value price for comparable merchandise or services, unless substantial sales of merchandise of like grade and quality are being made in the trade area at the compared price or a higher price and unless respondents have in good faith conducted a market survey or obtained a similar representative sample of prices in their trade area which establishes the validity of said compared price and it is clearly and conspicuously disclosed that the comparison is with merchandise or services of like grade and quality.

10. Failing to maintain and produce for inspection or copying, for a period of three years, adequate records (a) which disclose the facts upon which any savings claims, sale claims and other similar representations as set forth in paragraphs eight and nine of this order are based, and (b) from which the validity of any savings claims, sale claims and similar representations can be determined.

11. Representing, directly or indirectly, orally or in writing, that any price amount is respondents' regular price for any article of merchandise or service unless said amount is the price at which such merchandise or service has been sold or offered for sale by respondents for a reasonably substantial period of time in the recent, regular course of their business and not for the purpose of establishing fictitious higher prices upon which a deceptive comparison or a "free" or similar offer might be based.

12. Representing, directly or indirectly, orally or in writing, that a purchaser of respondents' merchandise or services will receive a "free" vacuum cleaner or kitchen carpeting or any other "free" merchandise, service, prize or award unless all conditions, obligations, or other prerequisites to the receipt and retention of such merchandise, services, gifts, prizes or awards are clearly and conspicuously disclosed at the outset in close conjunction with the word "free" wherever it first appears in each advertisement or offer.

13. Representing, directly or indirectly, orally or in writing, that any merchandise or service is furnished "free" or at no cost to the purchaser of advertised merchandise or services, when, in fact, the cost of such merchandise or service is regularly included in the selling price of the advertised merchandise or service.

14. Representing, directly or indirectly, orally or in writing, that a "free" offer is being made in connection with the introduction of new merchandise or services offered for sale at a specified price unless the respondents expect, in

good faith, to discontinue the offer after a limited time and commence selling such merchandise or service, separately, at the same price at which it was sold with a "free" offer.

15. Representing, directly or indirectly, orally or in writing, that merchandise or service is being offered "free" with the sale of merchandise or service which is usually sold at a price arrived at through bargaining, rather than at a regular price, or where there may be a regular price, but where other material factors such as quantity, quality, or size are arrived at through bargaining.

16. Representing, directly or indirectly, orally or in writing, that a "free" offer is available in a trade area for more than six (6) months in any twelve (12) month period. At least thirty (30) days shall elapse before another such "free" offer is made in the same trade area. No more than three such "free" offers shall be made in the same area in any twelve (12) month period. In such period, respondents' sale in that area of the product or service in the amount, size or quality promoted with the "free" offer shall not exceed 50 percent of the total volume of its sales of the product or service, in the same amount, size or quality, in the area.

17. Representing, directly or indirectly, orally or in writing, that a product or service is being offered as a "gift," "without charge," "bonus," or by other words or terms which tend to convey the impression to the consuming public that the article of merchandise or service is free, when the use of the term "free" in relation thereto is prohibited by the provisions of this order.

18. Representing, directly or indirectly, orally or in writing, that respondents have "over 100" or any other number of patterns and colors of carpeting in stock unless respondents have the stated number of patterns or colors in stock and available for immediate sale and delivery; or misrepresenting, in any manner, the colors, patterns, size, kind or quantity of carpeting in stock and available for sale, delivery or installation.

19. Representing, directly or indirectly, orally or in writing, that a stated price for carpeting or floor coverings includes the cost of a separate padding and the installation thereof, unless in every instance where it is so represented the stated price for floor covering does, in fact, include the cost of such separate padding and installation thereof; or misrepresenting in any manner, the prices, terms or conditions under which respondents supply separate padding in connection with the sale of floor covering products.

20. Representing, directly or indirectly, orally or in writing, that respondents employ or have available for their prospective customers a trained, qualified interior decorator; or misrepresenting in any manner, the training or qualifications of any of respondents' employees, agents or representatives.

21. Representing, directly or indirectly, orally or in writing, that any product or service is guaranteed unless

the nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed; and respondents deliver to each purchaser a written guarantee clearly setting forth all of the terms, conditions and limitations of the guarantee fully equal to the representations, directly or indirectly, orally or in writing, made to each such purchaser, and unless respondents promptly and fully perform all of their obligations and requirements under the terms of each such guarantee.

22. Contracting for any sale whether in the form of trade acceptance, conditional sales contract, promissory note, or otherwise which shall become binding on the buyer prior to midnight of the third day, excluding Sundays and legal holidays, after the date of execution.

23. Failing to furnish the buyer with a fully completed receipt or copy of any contract pertaining to such sale at the time of its execution, which is in the same language, e.g., Spanish, as that principally used in the oral sales presentation and which shows the date of the transaction and contains the name and address of the seller, and in immediate proximity to the space reserved in the contract for the signature of the buyer or on the front page of the receipt if a contract is not used and in bold face type of a minimum size of 10 points, a statement in substantially the following form:

"You, the buyer, may cancel this transaction at any time prior to midnight of the third business day after the date of this transaction. See the attached notice of cancellation form for an explanation of this right."

24. Failing to furnish each buyer, at the time he signs the sales contract or otherwise agrees to buy consumer goods or services from the seller, a completed form in duplicate, captioned "Notice of Cancellation", which shall be attached to the contract or receipt and easily detachable, and which shall contain in ten point bold face type the following information and statements in the same language, e.g., Spanish, as that used in the contract:

NOTICE OF CANCELLATION

[Enter date of transaction]
(Date)

You may cancel this transaction, without any penalty or obligation, within three business days from the above date.

If you cancel, any property traded in, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within 10 business days following receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be cancelled.

If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale; or you may if you wish, comply with the instructions of the seller regarding the return shipment of the goods at the seller's expense and risk.

If you do make the goods available to the seller and the seller does not pick them

up within 20 days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation. If you fail to make the goods available to the seller, or if you agree to return the goods to the seller and fail to do so, then you remain liable for performance of all obligations under the contract.

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice or any other written notice, or send a telegram, to _____, at _____, not later than _____, [Name of seller] [address]

_____ [Address of seller's place of business]

I hereby cancel this transaction.

midnight of _____

(date)

(Date)

(Buyer's signature)

25. Failing, before furnishing copies of the "Notice of Cancellation" to the buyer, to complete both copies by entering the name of the seller, the address of the seller's place of business, the date of the transaction, and the date, not earlier than the third business day following the date of the transaction, by which the buyer may give notice of cancellation.

26. Including in any sales contract or receipt any confession of judgment or any waiver of any of the rights to which the buyer is entitled under this order including specifically his right to cancel the sale in accordance with the provisions of this order.

27. Failing to inform each buyer orally, at the time he signs the contract or purchases the goods or services, of his right to cancel.

28. Misrepresenting, directly or indirectly, orally or in writing, the buyer's right to cancel.

29. Failing or refusing to honor any valid notice of cancellation by a buyer and within 10 business days after the receipt of such notice, to (i) refund all payments made under the contract or sale; (ii) return any goods or property traded in, in substantially as good condition as when received by the seller; (iii) cancel and return any negotiable instrument executed by the buyer in connection with the contract or sale and take any action necessary or appropriate to terminate promptly any security interest created in the transaction.

30. Negotiating, transferring, selling, or assigning any note or other evidence of indebtedness to a finance company or other third party prior to midnight of the fifth business day following the day the contract was signed or the goods or services were purchased.

31. Failing, within 10 business days of receipt of the buyer's notice of cancellation, to notify him whether the seller intends to repossess or to abandon any shipped or delivered goods.

32. Advertising any carpeting or floor covering using a unit of measurement not usually and customarily employed in the retail advertising of carpeting or which tends to exaggerate the size or quantity of carpeting or floor covering being offered at the advertised price.

Provided, however, That nothing contained in Part I of this order shall re-

lieve respondents of any additional obligations respecting contracts required by federal law or the law of the state in which the contract is made. When such obligations are inconsistent, respondents can apply to the Commission for relief from this provision with respect to contracts executed in the state in which such different obligations are required. The Commission, upon proper showing, shall make such modifications as may be warranted in the premises.

It is further ordered, That respondents Maryland Carpet Outlet, Incorporated, a corporation, its successors and assigns, and its officers, and Allen R. Tepper, individually and as an officer of said corporation, and respondents', agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product which has been advertised or offered for sale, in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying such products as to the name or amount of the constituent fibers contained therein.

B. Falsely and deceptively advertising textile products by:

1. Making any representations by disclosure or by implication, as to fiber content of any textile fiber product in any written advertisement which is used to aid, promote or assist, directly or indirectly, in the sale, or offering for sale, of such textile fiber product unless the same information required to be shown on the stamp, tag, label or other means of identification under sections 4(b)(1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Failing to set forth in advertising the fiber content of floor covering containing exempted backings, fillings or paddings, that such disclosure relates only to the face, pile or outer surface of such textile fiber products and not to the exempted backings, fillings or paddings.

3. Using a fiber trade-mark in advertising textile fiber products without a full disclosure of the required fiber content information in at least one instance in said advertisement.

4. Using a fiber trade-mark in advertising textile fiber products containing only one fiber without such fiber trade-mark appearing at least once in the advertisement, in immediate proximity and conjunction with the generic name of the fiber, in plainly legible and conspicuous type.

It is further ordered, That respondents Maryland Carpet Outlet, Incorporated, a corporation, its successors and assigns, and its officers, and Allen R. Tepper, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device in connection with any extension of consumer credit or advertisement to aid, promote, or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to use the term "amount financed" to describe the amount of credit extended, as required by § 226.8 (c) (7) of Regulation Z.

2. Representing, directly or indirectly, orally or in writing, that no downpayment will be required unless respondents usually and customarily accept no downpayment, in accordance with § 226.10(a) (2) of Regulation Z.

3. Representing, directly or indirectly, in any advertisement as "advertisement" is defined in Regulation Z, the amount of the downpayment required or that no downpayment is required, the amount of any installment payment, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following terms are stated in terminology prescribed under § 226.8 of Regulation Z:

- (i) The cash price;
- (ii) The amount of the downpayment required or that no downpayment is required, as applicable;
- (iii) The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;
- (iv) The amount of the finance charge expressed as an annual percentage rate; and
- (v) The deferred payment price.

4. Failing in any consumer credit transaction or advertisement to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z at the time and in the manner, form and amount required by §§ 226.6, 226.8 and 226.10 of Regulation Z.

It is further ordered, That respondents shall maintain for at least a one (1) year period, following the effective date of this order, copies of all advertisements, including newspaper, radio and television advertisements, direct mail and in-store solicitation literature, and any other such promotional material utilized for the purpose of obtaining leads for the sale of carpeting or floor coverings, or utilized in the advertising, promotion or sale of carpeting or floor coverings and other merchandise.

It is further ordered, That respondents, for a period of one (1) year from the effective date of this order, shall provide each advertising agency utilized by respondents and each newspaper publishing company, television or radio station or other advertising media which is utilized by the respondents to obtain leads for the sale of carpeting or floor coverings, or to advertise, promote, or sell carpeting or floor coverings and other merchandise, with a copy of the Commission's News Release setting forth the terms of this order.

It is further ordered, That respondents shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the offering for sale, sale of any product, consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondent, Allen R. Tepper, promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Final order as so modified and adopting the Decision was issued by the Commission April 22, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc. 75-15979 Filed 6-18-75; 8:45 am]

[Docket No. 8982]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Fashion Floors Inc. and Donald F. Riesett

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.15 Business status, advantages or connections; 13.15-70 Financing activities; 13.15-225 Personnel or staff; 13.15-250 Qualifications and

abilities; § 13.20 Comparative data or merits; § 13.30 Composition of goods; 13.30-75 Textile Fiber Products Identification Act; § 13.45 Content; § 13.73 Formal regulatory and statutory requirements; 13.73-90 Textile Fiber Products Identification Act; § 13.155 Prices; 13.155-5 Additional charges unmentioned; 13.155-15 Comparative; 13.155-20 Cost, expense reimbursing, or advertising; § 13.205 Scientific or other relevant facts; § 13.270 Trademark registration or use. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533-40 Furnishing information to media; 13.533-45 Maintain records; 13.533-45(a) Advertising substantiation. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records; 13.1051-20 Adequate. Subpart—Invoicing products falsely: § 13.1108 Invoicing products falsely; 13.1108-80 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 Composition; 13.1185-80 Textile Fiber Products Identification Act; § 13.1200 Content; § 13.1212 Formal regulatory and statutory requirements; 13.1212-80 Textile Fiber Products Identification Act. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1417 Financing activities; § 13.1520 Personnel or staff; § 13.1535 Qualifications. —Goods: § 13.1575 Comparative data or merits; § 13.1590 Composition; 13.1590-70 Textile Fiber Products Identification Act; § 13.1605 Content; § 13.1623 Formal regulatory and statutory requirements; 13.1623-80 Textile Fiber Products Identification Act; § 13.1740 Scientific or other relevant facts. —Prices: § 13.1785 Comparative. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 Composition; 13.1845-70 Textile Fiber Products Identification Act; § 13.1850 Content; § 13.1852 Formal regulatory and statutory requirements; 13.1852-70 Textile Fiber Products Identification Act; § 13.1882 Prices; § 13.1895 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70)

In the Matter of Fashion Floors, Inc., a Corporation, and Donald F. Riesett, Individually and as an Officer of Said Corporation.

Consent order requiring a Beltsville, Md., retailer, distributor and installer of carpeting and other floor coverings, among other things to cease misrepresenting its prices; failing to maintain adequate records; misrepresenting the qualifications and abilities of its sales personnel; and misbranding or mislabeling its textile fiber products and using fiber trademarks improperly.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:¹

¹ Copies of the Complaint, Decision and Order, filed with the original document.

ORDER

1. It is ordered, That respondents Fashion Floors, Inc., a corporation, its successors and assigns, and its officers, and Donald F. Riesett, individually, and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale, distribution or installation of carpeting and floor coverings, or any other article of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "Sale", or any other word or words of similar import or meaning not set forth specifically herein unless the price of such merchandise, being offered for sale constitutes a reduction, in an amount not so insignificant as to be meaningless, from the actual bona fide price at which such merchandise was sold or offered for sale to the public on a regular basis by respondents for a reasonably substantial period of time in the recent, regular course of their business.

2.(a) Representing, directly or indirectly, orally or in writing, that by purchasing any of said merchandise or services, customers are afforded savings amounting to the difference between respondents' stated price and respondents' former price unless such merchandise or services have been sold or offered for sale in good faith at the former price by respondents for a reasonably substantial period of time in the recent, regular course of their business.

(b) Representing, directly or indirectly, orally or in writing, that by purchasing any of said merchandise or services, customers are afforded savings amounting to the difference between respondents' stated price and a compared price for said merchandise or services in respondents' trade area unless a substantial number of the principal retail outlets in the trade area regularly sell said merchandise or services at the compared price or some higher price.

(c) Representing, directly or indirectly, orally or in writing, that by purchasing any of said merchandise or services, customers are afforded savings amounting to the difference between respondents' stated price and a compared value price for comparable merchandise or services, unless substantial sales of merchandise of like grade and quality are being made in the trade area at the compared price or a higher price and unless respondents have in good faith conducted a market survey or obtained a similar representative sample of prices in their trade area which establishes the validity of said compared price and it is clearly and conspicuously disclosed that the comparison is with merchandise or services of like grade and quality.

3. Advertising or otherwise representing a compared value price for carpet remnants or rugs (a) unless the carpet remnants or rugs being advertised are of the same grade and quality as the carpets with which such advertised prices

are compared; and (b) without disclosing in immediate conjunction therewith that the carpet remnants or rugs are usually sold for less than wall-to-wall prices, and that the compared value is based on the wall-to-wall price of carpeting of the same grade and quality.

4. Representing, directly or by implication, orally or in writing, that purchasers of respondents' merchandise will save any stated dollar or percentage amount without fully and conspicuously disclosing, in immediate conjunction therewith, the basis for such savings representations.

5. Failing to maintain and produce for inspection or copying for a period of three (3) years, adequate records (a) which disclose the facts upon which any savings claims, sale claims and other similar representations as set forth in Paragraphs One, Two, and Four of this order are based, and (b) from which the validity of any savings claims, sale claims and similar representations can be determined.

6. Representing, directly or by implication, orally or in writing, that respondents' installers have received certification by a recognized institution or government licensing agency; or misrepresenting in any manner, the training, certification, or qualifications of any of respondents' employees, agents, or representatives.

7. Representing, directly or by implication, orally or in writing, that purchasers or respondents' products are granted easy or assured credit terms by financial institutions with which respondents deal; or misrepresenting, in any manner, the amount, type, extent or any other facet of the credit terms respondents arrange or may arrange for their purchasers.

II. It is further ordered, That respondents Fashion Floors, Inc., a corporation, its successors and assigns, and its officers, and Donald F. Riesett, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product which has been advertised or offered for sale, in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

1. Misbranding textile fiber products by falsely or deceptively stamping, tagging, labeling, invoicing, advertising

or otherwise identifying such products as to the name or amount of the constituent fibers contained therein.

2. Falsely and deceptively advertising textile fiber products by:

(a) Making any representations by disclosure or by implication, as to fiber content of any textile fiber product in any written advertisement which is used to aid, promote or assist, directly or indirectly, in the sale, or offering for sale, of such textile fiber product unless the same information required to be shown on the stamp, tag, label or other means of identification under section 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

(b) Failing to set forth in advertising the fiber content of floor covering containing exempted backings, fillings or paddings, that such disclosure related only to the face, pile or outer surface of such textile fiber products and not to the exempted backings, fillings or paddings.

(c) Using a fiber trademark in advertising textile fiber products without a full disclosure of the required fiber content information in at least one instance in said advertisement.

(d) Using a fiber trademark in advertising textile fiber products containing only one fiber without such fiber trademark appearing at least once in the advertisement, in immediate proximity and conjunction with the generic name of the fiber, in plainly legible and conspicuous type.

It is further ordered, That respondents shall maintain for at least a one (1) year period, following the effective date of this order, copies of all advertisements, including newspaper, radio and television advertisements, direct mail and in-store solicitation literature, and any other such promotional material utilized for the purpose of obtaining leads for the sale of carpeting or floor coverings, or utilized in the advertising, promotion or sale of carpeting or floor coverings and other merchandise.

It is further ordered, That respondents, for a period of one (1) year from the effective date of this order, shall provide each advertising agency utilized by respondents and each newspaper publishing company, television or radio station or other advertising media which is utilized by the respondents to obtain leads for the sale of carpeting or floor coverings and other merchandise, with a copy of the Commission's News Release setting forth the terms of this order.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondents shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That respondents deliver a copy of this order to all present and future personnel of respondents engaged in the sale, or the offering for sale, of any product, in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission, May 3, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc. 75-15932 Filed 6-18-75; 8:45 am]

[Docket C-2066]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Ted P. Simopoulos t/a Ted Sims Real Estate

Subpart—Advertising falsely or misleadingly: § 13.73 Formal regulatory and statutory requirements; 13.73-92 Truth in Lending Act; § 13.155 Prices; 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 Terms and conditions; 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852-75 Truth in Lending Act; § 13.1905 Terms and conditions; 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601, et seq.)

In the Matter of Ted P. Simopoulos, an Individual, Trading and Doing Business as Ted Sims Real Estate.

Consent order requiring a Lynchburg, Va., loan broker, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, includ-

ing further order requiring report of compliance therewith, is as follows: ¹

It is ordered, That respondent Ted P. Simopoulos, an individual, trading and doing business as Ted Sims Real Estate, or under any other name or names, his successors and assigns, and respondent's agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension or arrangement for the extension of consumer credit or advertisement to aid, promote or assist, directly or indirectly, any extension or arrangement for the extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to include the broker's fee or finder's fee in the determination of the finance charge, as required by § 226.4(a)(3) of Regulation Z.

2. Failing to disclose the broker's fee or finder's fee as a prepaid finance charge, as required by § 226.8(e)(1) of Regulation Z, using the term "prepaid finance charge", as required by § 226.8(d)(2) of Regulation Z.

3. Failing to itemize the components of the finance charge, as required by § 226.8(d)(3) of Regulation Z.

4. Failing to disclose accurately the annual percentage rate computed in accordance with § 226.5(b) of Regulation Z, as required by Section 226.8(b)(2) of Regulation Z.

5. Failing to print the terms "finance charge" and "annual percentage rate" more conspicuously than other terminology, as required by § 226.6(a) of Regulation Z.

6. Failing to disclose clearly the method of computing any unearned portion of the finance charge in the event of prepayment of the obligation, as required by § 226.6(a) of Regulation Z.

7. Failing to identify the broker as a creditor, as "creditor" is defined in § 226.2(m) of Regulation Z, as required by § 226.6(d) of Regulation Z.

8. Failing to provide the borrower complete consumer credit cost disclosures before consummation of the transaction, as required by § 226.8(a) of Regulation Z.

9. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.8, 226.9 and 226.10 of Regulation Z.

It is further ordered, That respondent prominently display no less than two signs on the premises which will clearly and conspicuously state that a customer must receive a complete copy of the consumer credit cost disclosures, as required by the Truth in Lending Act, in

¹ Copies of the Complaint, Decision and Order, filed with the original document.

any transaction which is financed, before the transaction is consummated.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondent engaged in the arranging for the extension of consumer credit and that respondent secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That the respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliations with a new business or employment. Such notice shall include respondent's current business addresses and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondent herein shall within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with this order.

The Decision and Order was issued by the Commission May 13, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc. 75-15980 Filed 6-18-75; 8:45 am]

[Docket C-2660]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Wendelken-Simminger and Co. t/a Sims Furniture Co., Et Al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; 13.10-1 Availability of merchandise and/or facilities; § 13.95 Identity of product; § 13.160 Promotional sales plans; § 13.180 Quantity; 13.180-30 In stock; § 13.205 Scientific or other relevant facts. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533-25 Displays, in-house; 13.533-45 Maintain records; 13.533-45(k) Records, in general. Subpart—Disparaging products, merchandise, services, etc.: § 13.1042 Disparaging products, merchandise, services, etc. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records; 13.1051-20 Adequate. Subpart—Misrepresenting oneself and goods—Goods: § 13.1572 Availability of advertised merchandise and/or facilities; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1863 Limitations of product; 13.1886 Quality, grade or type; § 13.1895 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Wendelken-Simminger and Company, a Corporation, Trading and Doing Business as Sims Furniture Company, and Ralph Mazer, Individually and as an Officer of Said Corporation.

Consent order requiring a Cincinnati, Ohio, seller and distributor of furniture, appliances and related products, among other things to cease misrepresenting the quantity of merchandise in stock; disparaging advertised products; failing to maintain adequate records; to disclose unit prices, and other relevant facts; using misleading sales plans. Further, respondents are required to post copies of the order in prominent locations within their store and maintain records of advertisements for a three year period.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:¹

It is ordered, That respondents Wendelken-Simminger and Company, a corporation, trading and doing business as Sims Furniture Company, its successors and assigns, and its officers, and Ralph Mazer, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporation, subsidiary, division, or any other device in connection with the purchasing, advertising, offering for sale, sale, and distribution of furniture and appliances, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Advertising or offering any products for sale for the purpose of obtaining leads or prospects for the sale of different products unless the advertised products are capable of adequately performing the function for which they are offered, and respondents maintain an adequate and readily available stock of said products.

2. Disparaging in any manner, or refusing to sell, any product advertised.

3. Using any advertising, sales plan or procedure involving the use of false, deceptive or misleading statements or representations designed to obtain leads or prospects for the sale of other merchandise.

4. Representing directly or indirectly that any products or services are offered for sale when such is not a bona fide offer to sell said products or services.

5. Failing to disclose the number and type of the pieces included in a room grouping, in any advertisement which refers to room groupings.

6. Failing to post, clearly and conspicuously, upon each item to be sold, the retail selling price of each item.

7. Failing to disclose to the consumer, in writing on the sales invoice or sales

contract, or any other written evidence of sale, the manufacturer, model number, description, and retail selling price of each item at the time each item is purchased.

8. Failing to maintain adequate records as will show:

(a) Each advertised item identified by model number, manufacturer, description, and date(s) advertised; and

(b) The number of sales made of each advertised product or service at the advertised price for each advertisement published or otherwise disseminated during the period of its publication or other dissemination, and for the six weeks immediately thereafter. Said records shall be retained for three years from the date of the advertisement, and shall be made available to personnel of the Federal Trade Commission upon request.

It is further ordered, That respondents shall maintain, for a three (3) year period from the date of each advertisement, copies of all advertisements, including newspaper, radio, and television advertisements, direct mail and in-store solicitation literature, and any other such promotional material utilized in the advertising, promotion, or sale of merchandise.

It is further ordered, That for a period of one (1) year, respondents post in a prominent place in each sales room or other area wherein respondents sell furniture or other products and services, a copy of this cease and desist order, with a notice that any customer or prospective customer may receive a copy on demand.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in any aspect of preparation, creation, or placing of advertising, and to all personnel of respondents responsible for the sale or offering for sale of all products covered by this order, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address or employment in which he is engaged, as well as a description of his duties and responsibilities.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the man-

ner and form in which they have complied with this order.

The Decision and Order was issued by the Commission May 5, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc. 75-15981 Filed 6-18-75; 8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 75F-0090]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

MICROPOROUS POLYMERIC FILTERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 3B2925) filed by Amerace Corp., Microporous Products Division, 245 Polk Ave., New York, NY 10017, and other relevant material, is amending the food additive regulations (21 CFR Part 121) to provide for safe use, as set forth below, of microporous polymeric filters intended for contact with food. The microporous polymeric filter shall be comprised of one of the following silica-modified polymers: (1) Polyvinyl chloride, (2) vinyl chloride-propylene copolymer, or (3) vinyl chloride-vinyl acetate copolymer. Cyclohexanone may be used as a solvent in the production of the filters. This amendment becomes effective June 19, 1975.

Therefore, under the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding a new section to Subpart F, to read as follows:

§ 121.2631 Microporous polymeric filters.

Microporous polymeric filters identified in paragraph (a) of this section may be safely used, subject to the provisions of this section, to remove particles of insoluble matter in producing, manufacturing, processing, and preparing bulk quantities of liquid food.

(a) Microporous polymeric filters consist of a suitably permeable, continuous, polymeric matrix of polyvinyl chloride, vinyl chloride-propylene, or vinyl chloride-vinyl acetate, in which finely divided silicon dioxide is embedded. Cyclohexanone may be used as a solvent in the production of the filters.

(b) Any substance employed in the production of microporous polymeric filters that is the subject of a regulation in this Part 121 must conform with any specification in such regulation.

(c) Cyclohexanone when used as a solvent in the production of the filters shall not exceed 0.35 percent by weight of the microporous polymeric filters.

¹ Copies of the Complaint, Decision and Order, filed with the original document.

(d) The microporous polymeric filters may be colored by the pigments and colorants identified in § 121.2514(b) (3) (xxvi).

(e) The temperature of food being processed through the microporous polymeric filters shall not exceed 180° F.

(f) The microporous polymeric filters shall be maintained in a sanitary manner in accordance with good manufacturing practice so as to prevent potential microbial adulteration of the food.

(g) To assure safe use of the microporous polymeric filters, the label or labeling shall include adequate directions for a preuse treatment, consisting of washing with a minimum of 2 gallons of potable water at a temperature of 180° F for each square foot of filter, prior to the filter's first use in contact with food.

Any person who will be adversely affected by the foregoing order may at any time on or before July 21, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective June 19, 1975.

(Sec. 409(c) (1), 72 Stat. 1786 (21 U.S.C. 348 (c) (1)))

Dated: June 12, 1975.

SAM D. FINE,
Associate Commissioner for
Compliance.

[FR Doc. 75-15947 Filed 6-18-75; 8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

[Docket No. 75N-0088]

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CER- TIFICATION

Phenylbutazone Tablets or Boluses

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (10-987V) filed by Jensen-Salsbery Laboratories, Division of Richardson-Merrell, Inc., Kansas City, MO 64141, proposing safe and effective use of additional dose units for phenylbutazone tablets and boluses used to treat certain animals. The supplemental application is approved, effective June 19, 1975.

The Commissioner is amending Part 520 (formerly Part 135c prior to recodifi-

cation published in the FEDERAL REGISTER of March 27, 1975 (40 FR 13802)) to reflect the approval as set forth below.

Therefore, under provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 520 is amended in § 520.1720a (formerly § 135c.57) by revising paragraph (a) (1) to read as follows:

§ 520.1720a Phenylbutazone tablets and boluses.

(a) (1) **Specifications.** The drug is a tablet containing 100 or 400 milligrams or 1 gram of phenylbutazone; or the drug is a bolus containing 2 or 4 grams of phenylbutazone.

Effective date. This order shall become effective June 19, 1975.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b (i)))

Dated: June 10, 1975.

C. D. VAN HOUWELING,
Director, Bureau of
Veterinary Medicine.

[FR Doc. 75-15951 Filed 6-18-75; 8:45 am]

[Docket No. 75N-0089]

PART 522—IMPLANTATION OR INJECT- ABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICA- TION

Sodium Thiamylal for Injection

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (39-483V) filed by Philips Roxane, Inc., St. Joseph, MO 64502, proposing safe and effective use of sodium thiamylal for injection in additional animal species. The supplemental application is approved, and the regulation revised to reflect the new sponsor, effective June 19, 1975.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 522.2424 (formerly § 135b.39 prior to recodification published in the FEDERAL REGISTER of March 27, 1975 (40 FR 13802)) is revised to read as follows:

§ 522.2424 Sodium thiamylal for injection.

(a) **Specifications.** The drug is a sterile dry powder. It is reconstituted aseptically with sterile distilled water, water for injection, or sodium chloride injection, to a desired concentration of 0.5 to 4 percent sodium thiamylal.

(b) **Sponsors.** See code Nos. 000071 and 000010 in § 510.600(c) of this chapter.

(c) **Conditions of use.** (1) It is used as an ultra-short-acting anesthetic in dogs, cats, swine, horses, and cattle.

(2) When diluted aseptically to the desired concentration and administered intravenously to effect, the average single dose is:

(i) Dogs and cats: 8 milligrams per pound of body weight (when used with

a preanesthetic, generally one-half the normal dose).

(ii) Swine: 40 milligrams per 5 pounds of body weight.

(iii) Horses: Light anesthesia, 1 gram per 500 pounds to 1,100 pounds of body weight; deep anesthesia, 1 gram per 300 pounds of body weight (40 milligrams per 12 pounds of body weight).

(iv) Cattle: Short duration, 20 milligrams per 5 pounds of body weight; longer duration, 40 milligrams per 7 pounds of body weight.

(3) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective on June 19, 1975.

(Sec. 512(i), 82 Stat. 347; (21 U.S.C. 360b (i)))

Dated: June 10, 1975.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary
Medicine.

[FR Doc. 75-15950 Filed 6-18-75; 8:45 am]

[Docket No. 75N-0087]

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Tylosin

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (43-387) filed by the Ralston-Purina Co., St. Louis, MO 63188, proposing safe and effective use of an additional tylosin premix for the manufacture of swine feed. The supplemental application is approved, effective June 19, 1975.

The Commissioner is amending Part 558 (formerly Part 135e prior to recodification published in the FEDERAL REGISTER of March 27, 1975 (40 FR 13802)) to reflect the approval as set forth below.

Therefore, under provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 558 is amended in § 558.625 (formerly § 135e.10) by revising paragraph (b) (5) to read as follows:

§ 558.625 Tylosin.

(b) * * *

(5) To 017300: 0.4, 0.8, and 1 gram per pound, paragraph (f) (1) (vi) (a) of this section; 10 grams per pound, paragraph (f) (1) (i) and (vi) (a) of this section; 40 grams per pound, paragraph (f) (1) (i) and (vi) (a), (b), (c), and (d) of this section.

Effective date. This order shall become effective June 19, 1975.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: June 11, 1975.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary
Medicine.

[FR Doc. 75-15948 Filed 6-18-75; 8:45 am]

SUBCHAPTER F—BIOLOGICS

[Docket No. 75N-0091]

PART 630—ADDITIONAL STANDARDS FOR VIRAL VACCINES

Rubella Virus Vaccine, Live; Test for Safety

The Food and Drug Administration is conducting a review of the existing regulations governing biological products to assure that the criteria of safety, purity, potency, and effectiveness established by such regulations are updated to reflect current requirements for licensed products. As a result of the review, the Commissioner of Food and Drugs is amending the regulations governing the safety test for Rubella Virus Vaccine, Live, (21 CFR 630.65(a)(6)) to increase the volume of inoculum for the embryonated duck egg safety test. This order is effective June 19, 1975.

The biologics regulations require that Rubella Virus Vaccine, Live, must be manufactured from rubella virus propagated in either duck embryo cell cultures or rabbit renal cell cultures (21 CFR 630.63(a)). The rubella virus obtained from duck embryo cell cultures must be tested as prescribed in § 630.65(a)(6) which, by reference to paragraph (a)(5) of § 630.35 *Test for safety* (21 CFR 630.35(a)(5)), requires that a suspension of each undiluted rubella virus pool, equivalent to at least 100 doses or 10 milliliters of vaccine, whichever is greater in volume, be inoculated into embryonated duck eggs using 0.5 milliliter of inoculum per egg. The volume of inoculum specified in § 630.35(a)(5), namely, 0.5 milliliter, is designed to be applied to embryonated chicken eggs rather than embryonated duck eggs. This volume was selected because it can be tolerated by the embryonated chicken egg without producing death of the embryo due to nonspecific trauma, which would invalidate the test. Embryonated eggs are used for the test only as a growth medium for any adventitious agent which may be present as a contaminant in the rubella virus pool. The virus pool is satisfactory if there is no evidence of adventitious agents.

On June 9, 1969, the Division of Biologics Standards, National Institutes of Health (subsequently transferred to the Food and Drug Administration as the Bureau of Biologics) issued a license for the production of Rubella Virus Vaccine, Live, from rubella virus propagated in duck embryo cell cultures. The tests, described in the manufacturer's license application, to ensure safety of the vaccine required inoculation of embryonated duck eggs with the equivalent of at least 100 doses or 10 milliliters of vaccine, except that, a volume of 1.0 milliliter of virus suspension was used as the inoculum per egg rather than the 0.5-milliliter inoculum referenced in § 630.35(a)(5). The manufacturer proposed the use of a 1.0-milliliter volume of inoculum because a duck egg is larger than a chicken egg and therefore can tolerate a larger volume of inoculum without producing death of the embryo due to nonspecific trauma, which would invalidate the test.

The Division of Biologics Standards, National Institutes of Health, concluded that the manufacturer's proposed use of a 1.0-milliliter volume of inoculum would provide assurances of safety of the vaccine equal to or greater than the assurances provided by the use of a 0.5-milliliter volume of inoculum. Concomitantly, in accordance with § 630.67 *Equivalent methods* (21 CFR 630.67), the license application was approved and issued. The original applicant is currently the only manufacturer licensed to produce Rubella Virus Vaccine, Live, from rubella virus propagated in duck embryo cell cultures. Since licensure in 1969, the manufacturer has consistently used a 1.0-milliliter volume of inoculum per egg in the embryonated duck egg safety test consistent with its license application. However, the regulations for rubella virus vaccine inadvertently continue to reference a 0.5-milliliter volume of inoculum. Accordingly, the Commissioner concludes that § 630.65(a)(6) should be amended to reflect the volume of inoculum per egg currently used for the embryonated duck egg safety test consistent with the volume prescribed in the only license issued for manufacture of Rubella Virus Vaccine, Live, produced from rubella virus propagated in duck embryo cell cultures.

Therefore, under the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 630 is amended in § 630.65 by revising paragraph (a)(6) to read as follows:

§ 630.65 *Test for safety.*

(a) *

(6) *Inoculation of embryonated duck eggs.* A suspension of each undiluted rubella virus pool shall be tested in embryonated duck eggs, following the procedures prescribed in § 630.35(a)(5), except that the virus need not be neutralized by antiserum and the volume of inoculum per egg shall not exceed 1.0 milliliter. The virus pool is satisfactory only if there is no evidence of adventitious agents.

Pursuant to the Administrative Procedure Act (5 U.S.C. 553 (b) and (d)), the Commissioner concludes that notice, public procedure and delayed effective date are unnecessary for the promulgation of this order inasmuch as it does not impose a duty on any person, but rather updates the regulations to reflect safety testing requirements consistent with current licenses for Rubella Virus Vaccine, Live.

Effective date. This order shall be effective June 19, 1975.

(Sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262))

Dated: June 12, 1975.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc. 75-15049 Filed 6-18-75; 8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER IV—SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

PART 401—SEAWAY REGULATIONS

Guidance and Information to Vessels Transiting Seaway

On page 19661 of the FEDERAL REGISTER of May 6, 1975, there was published a notice of proposed rulemaking by the Saint Lawrence Seaway Development Corporation to amend the Seaway Regulations. In amending the regulations, pursuant to its enabling act (33 U.S.C. 981 et seq.), and pursuant to the authority vested in the Secretary of Transportation with respect to the St. Lawrence Seaway under the Ports and Waterways Safety Act of 1972 (Pub. L. 92-340, 86 Stat. 424), which authority was subsequently delegated to the Administrator of the Saint Lawrence Seaway Development Corporation in the FEDERAL REGISTER on October 17, 1972 (37 FR 21943), the Corporation is acting jointly with the St. Lawrence Seaway Authority of Canada.

The Seaway Regulations and Rules were published initially in the FEDERAL REGISTER on July 1, 1958 (23 FR 5011-5013), to give users of the waterway essential information and directions for transiting. The last major revision of the regulations and rules was published in the FEDERAL REGISTER on March 22, 1974 (39 FR 10899), when the regulations and rules were consolidated into one set of regulations to eliminate repetition of the regulations in the rules and vice versa, and for clarity.

With respect to the current proposed amendments, interested parties were invited to submit written comments for consideration. No comments were received; therefore, the proposed amendments are hereby adopted without change.

Since these amendments should provide immediate guidance and information to vessels transiting the Seaway, I find that good cause exists for making these amendments effective in less than 30 days.

The amendments are as follows:

Section 401.37 is amended to designate the existing text as paragraph (a) and add a new paragraph (b) which reads:

§ 401.37 Mooring at tie-up walls.

(b) Crew members being put ashore on landing booms and handling mooring lines on the tie-up walls of the locks shall wear life jackets.

§ 401.50 [Amended]

Section 401.50(c) is amended to change the anchorage to read "St. Zotique, Dickerson Island and Stonehouse Point (Lake St. Francis)."

§ 401.62 [Amended]

Section 401.62, *Seaway stations for Control Sector No. 5* are amended by changing "VDX72 (Seaway Oshawa)-Oshawa, Ontario-Traffic Control Sector No. 5" to read "VDX72 (Seaway Newcastle)-Port Hope, Ontario-Traffic Con-

trol Sector No. 5" and by adding "VDX70 (Seaway Newcastle)-Port Weller, Ontario-Traffic Control Sector No. 5".

§ 401.63 [Amended]

In the table following § 401.63, the "Station" designation for "Control Sector Number 5" is changed to "Seaway Newcastle".

In Schedule III, item 15 C.I.P. and Check Point is changed to read "Wolfe Is. Cut (Beauvais Point)-Vessels leaving main channel".

Also in Schedule III, items 19, 20, 32, 33 and 34, the Station to Call in each instance is changed to read "Seaway Newcastle Ch. 11".

(68 Stat. 92-97, 33 U.S.C. 981-990, as amended, and sec. 104, Pub. L. 92-340, 86 Stat. 424, 49 CFR 1.50a (37 FR 21943))

Effective date: June 13, 1975.

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION,

[SEAL] D. W. OBERLIN,
Administrator.

[FR Doc. 75-15936 Filed 6-18-75; 8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 383-5]

PART 51—PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

Maintenance of National Ambient Air Quality Standards

Introduction. In the action below the Administrator amends 40 CFR 51.12 regarding the maintenance of national ambient air quality standards. The action rescinds the June 18, 1975, date for submission of analyses and plans required to ensure maintenance of the national standards in Air Quality Maintenance Areas (AQMA's). Instead, the Administrator will specify individual schedules for these submissions for each identified AQMA.

Background. 40 CFR 51.12, as amended on June 18, 1973 (38 FR 15834), and subsequently amended on May 8, 1974 (39 FR 16343), required in part, that State implementation plans identify by May 10, 1974, areas which may have the potential for exceeding any national standard within the next 10-year period as a consequence of current air quality and/or the emissions associated with projected growth of the area. By August 16, 1974, the Administrator was to publish, based upon the information submitted by the States, a list of potential problem areas which would be analyzed in more detail by the States. By June 18, 1975, the States were required to submit an analysis of the impact on air quality of emissions from projected growth in each potential problem area designated by the Administrator. Where maintenance problems were identified by analyses, the States would also submit plans containing control

measures to ensure maintenance of national standards during the ensuing 10-year period. For detailed discussion of the events leading up to the promulgation of these provisions, the reader may consult the June 18, 1973, FEDERAL REGISTER notice.

On April 29, 1975, (40 FR 18726) the Administrator identified 43 "air quality maintenance areas" (AQMA's) after considering submittals for 21 States. The Administrator identified 59 AQMA's for 18 additional States on June 2, 1975 (40 FR 23746), and he expects to identify AQMA's for the remaining States by August 31, 1975.

Detailed discussion. In the action below the Administrator amends 40 CFR 51.12 to provide additional flexibility in the time schedule for the analysis and plan preparation necessary to prevent any national ambient air quality standards from being exceeded. The Administrator has determined that a June 18, 1975, submittal date would result in the submission of very few AQMA analyses and plans. Allowing for a flexible submission date enables the Administrator to best coordinate the preparation of analyses and plans with the respective States. EPA intends to propose detailed requirements concerning the depth and methods of analysis required of the States for each area identified as an AQMA under paragraph (f); the Administrator, however, will retain the option to modify certain of those requirements to accommodate the specific conditions existing in individual States and AQMA's. Under the regulations promulgated below, the Administrator will establish schedules for submission of State implementation plan revisions to maintain national standards subsequent to the Administrator's identification of the area. Such scheduling is intended to permit the optimal use of resources within the States and Regional EPA offices. The submittal dates will now vary according to the magnitude of the tasks involved in providing for attaining and maintaining national ambient air quality standards. For example, some AQMA's may not be projected to exceed national standards for several years in the future. The limited availability of resources may require priority attention be given another area within the same State where, for instance, the standards are not yet attained, or are projected to be exceeded in the immediate future. Placing priority on the use of resources is critical to the overall task of attaining and maintaining national ambient air quality standards in all areas.

Additionally, the Administration is considering modifying subparagraph (g)(2) regarding the length of the period over which the plan is to be developed. Planning cycles are of varying lengths. For example, planning for highways and water quality projects may extend over a twenty-year period. Accordingly, the Administrator is considering whether to modify the existing 10 year period over which the AQMA plans must be developed, possibly allow-

ing for planning cycles of different lengths in different AQMA's, depending on their individual problems. Such changes, if made, will be first proposed in a forthcoming FEDERAL REGISTER action.

The Administrator has prepared and distributed to the States the 13 volume series, "Guidelines for Air Quality Maintenance Planning and Analysis." The "Guidelines" describe the major elements for determining whether an area will require a maintenance plan and whether such a plan will be sufficient to maintain national ambient air quality standards. The elements described in the "Guidelines" include the design and update of emission, meteorological, and air quality data bases; the use of dispersion models and air quality data to estimate present air quality; the projection of future emissions and emission distribution patterns; the use of models to estimate future air quality; and the assessment of whether control strategies are sufficient to meet air quality requirements in the future. The Administrator intends for the States to follow these guidelines or use equivalent procedures during the analysis and preparation of plans for AQMA's.

Where the States are presently developing air quality maintenance analysis and plans, the Administrator encourages States to complete and submit these as expeditiously as practicable, despite the additional flexibility granted in this action. The Administrator will in the near future, but not later than July 1, 1976, establish individual schedules for submission of analyses and plans for all AQMA's. He will notify the State Governors as to which AQMA's require maintenance plans, and such notice will appear in the FEDERAL REGISTER.

The Administrator is considering whether to establish a specific date prior to which all maintenance plans must be submitted and, if so, what such date should be. This issue will be addressed in a subsequent FEDERAL REGISTER action.

The Administrator will be conducting a review of all areas throughout the States, including AQMA's, prior to July 1, 1976, to assess the adequacy of the existing State implementation plans to attain the national standards. Assessment of the adequacy of State implementation plans is a continuing task of the Administrator; this review will insure consideration of those areas which were not identified by the Administrator as AQMA's. The Administrator will notify the States by July 1, 1976, as to which State implementation plans are substantially inadequate to attain the standards and will require those States to revise their implementation plans to provide for attainment and maintenance.

The Administrator finds good cause for promulgating these amendments in final form without first proposing them and subjecting them to public comment. The Administrator has found that such a procedure would be impracticable in this situation since States must be able to rely upon the amended time schedule immediately.

(Secs. 110, 301(a), Clean Air Act, as amended (42 U.S.C. 1857c-5, 1857g(a)).)

Dated: June 17, 1975.

JOHN QUARLES,
Acting Administrator.

Part 51 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Section 51.12 is amended by revising paragraphs (f) and (g) to read as follows:

§ 51.12 Control strategy: General.

(f) Based on the information submitted by the State pursuant to paragraph (e) of this section, the Administrator will publish by August 31, 1975, a list of the areas which shall be subject to the requirements of paragraph (g) of this section.

(g) For each area identified by the Administrator pursuant to paragraph (f) of this section, the State shall submit, according to time schedules to be specified by the Administrator, the following:

(1) An analysis of the impact on air quality of projected growth and development over the 10-year period from the date of submittal.

(2) A plan to prevent any national standards from being exceeded over the 10-year period from the date of plan submittal. Such plan shall include, as necessary, control strategy revisions and/or other measures to insure that projected growth and development will be compatible with maintenance of the national standards throughout such 10-year period. Such plan shall be subject to the provisions of § 51.6.

[FR Doc. 75-16095 Filed 6-18-75; 8:45 am]

[FRL 388-1]

PART 164—RULES OF PRACTICE GOVERNING HEARINGS UNDER THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT, ARISING FROM REFUSALS TO REGISTER, CANCELLATIONS OF REGISTRATIONS, CHANGES OF CLASSIFICATIONS, SUSPENSIONS OF REGISTRATIONS AND OTHER HEARINGS CALLED PURSUANT TO SECTION 6 OF THE ACT

Official Notice

On July 20, 1973, this Agency promulgated (38 FR 19371) rules of practice governing hearings conducted pursuant to section 6 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) as amended (86 Stat. 973, 7 U.S.C. 136d). A review of those rules by the Agency indicates that the present rule on official notice is not consistent with established judicial precedent.

The present official notice rule limits the scope of official notice to "such matters as are judicially noticed in the Federal courts." (40 CFR 164.81(e)). The Agency believes that this rule unduly restricts the ability of the Agency to take official notice of scientific and technical facts which are within its expertise. The present rule may delay already lengthy hearings by necessitating the reiteration

of facts established in prior proceedings. The Agency therefore believes that the official notice rule is ripe for revision.

The present rule was adopted before the Agency had much experience with the conduct of adjudicatory hearings held pursuant to section 6. Subsequent to its adoption the Agency has conducted several lengthy adjudicatory hearings. During the course of these proceedings the Agency has gained considerable expertise regarding pesticides. The Agency believes that it is in the public interest to take official notice of facts within its expertise to the greatest extent possible since this will shorten the duration of hearings conducted pursuant to section 6 thereby conserving the resources of all parties to the proceeding. The Agency believes therefore that it is in the public interest to amend the present official notice rule to permit the Agency to take official notice of technical or scientific facts within its expertise.

This amendment is consistent with the practice of other administrative agencies, consistent with the legislative history of the Administrative Procedure Act, and consistent with established judicial precedent which recognizes that the scope of official notice as used by administrative agencies is broader than the scope of judicial notice as applied in the Federal courts. This amendment is also consistent with the rules of practice governing the conduct of hearings held pursuant to section 14 of FIFRA (86 Stat. 973, 7 U.S.C. 136e) for the assessment of civil penalties which were promulgated in September 23, 1973. (38 FR 26360). Section 168.44 authorizes official notice to be taken in such proceedings of "any matter judicially noticed in the Federal courts, and of other facts within the specialized knowledge and expertise of the Agency." (40 CFR 168.44(e)). The Agency believes that the scope of official notice should be as broad in proceedings held pursuant to section 6 of FIFRA as is presently authorized for proceedings held pursuant to section 14 of FIFRA. The amendment promulgated herein will accomplish this objective.

The official notice rule as amended provides that any active party shall be given adequate opportunity to show that officially noticed facts have been erroneously noticed by presenting evidence to the contrary. This provision is based upon section 553(e) of the Administrative Procedure Act (5 U.S.C. 553(e)) which provides in pertinent part that "Where any agency decision rests on official notice of a material fact not appearing in the evidence in the record, any party shall on timely request be afforded an opportunity to show the contrary." The official notice rule as amended will thus assure that the rights of affected parties are protected in accordance with the requirements of the Administrative Procedure Act.

Effective date. In accordance with 5 U.S.C. section 553, the amended rules of practice set forth in this regulation shall take effect upon publication, without prior proposal, because they contain rules of agency practice and procedure which

are not required to be issued as proposed rulemaking. The Agency believes that it is in the public interest to amend the rules of practice immediately so that hearings held under section 6 will be conducted as efficiently as possible by utilizing the expertise of the Agency to the greatest extent possible. It is necessary that this amendment take effect prior to a thirty-day period following promulgation to assure that the expertise of the Agency can be utilized in all currently pending proceedings. The amended rules of practice shall, therefore, take effect immediately and shall apply to all proceedings currently pending or in process under section 6 of FIFRA.

Dated: June 16, 1975.

JOHN QUARLES,
Acting Administrator.

Part 164 of Title 40 of the Code of Federal Regulations is amended by revising § 164.81 to read as follows:

§ 164.81 Evidence.

(e) **Official Notice.** Official notice may be taken of Agency proceedings, any matter judicially noticed in the Federal courts, and of other facts within the specialized knowledge and experience of the Agency. Any active party shall be given adequate opportunity to show that such facts are erroneously noticed by presenting evidence to the contrary.

(86 Stat 973, 7 U.S.C. 136d, 136w).

[FR Doc. 75-16095 Filed 6-18-75; 8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—MEDICAL CARE AND EXAMINATIONS

PART 32—MEDICAL CARE FOR SEAMEN AND CERTAIN OTHER PERSONS

On page 7460 of the FEDERAL REGISTER of February 20, 1975 there was published a proposed revision of Part 32, Title 42 Code of Federal Regulations. As pointed out in the preamble, the revision clarified existing authority to procure necessary services through non-Federal medical facilities for the care of primary beneficiaries of the Service and conformed the Regulations to prevailing practice. Other changes to eliminate obsolete phraseology, to reflect changes in field organization structure, and to incorporate legislative changes were also proposed.

Interested persons were given 30 days in which to submit comments, suggestions or objections regarding the proposed regulations. No written objections have been received and the proposed regulations are hereby adopted as set forth below.

No change in the level and range of services provided to primary beneficiaries on January 1, 1973 required to be maintained by section 818, Pub. L. 93-155, is effected by these revisions.

Effective date: These regulations are effective June 19, 1975.

Dated: June 2, 1975.

THEODORE COOPER,
Assistant Secretary for Health.

Approved: June 16, 1975.

CASPAR W. WEINBERGER,
Secretary.

PART 32—MEDICAL CARE FOR SEAMEN AND CERTAIN OTHER PERSONS

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32.111 Conditions and extent of treatment; charges.

AUTHORITY: Sec. 2, 321, 322, 58 Stat. 682, 695, 696 as amended; 42 U.S.C. 2, 248, 249. Sec. 32.86 to 32.90 issued under sec. 331 and 332, 58 Stat. 696, 698 as amended; 42 U.S.C. 255, 256.

DEFINITIONS

§ 32.1 Meaning of terms.

All terms not defined herein shall have the same meaning as given them in the Act.

(a) "Act" means the Public Health Service Act, approved July 1, 1944, 58 Stat. 682, as amended;

(b) "Service" means the Public Health Service;

(c) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved may have been delegated.

(d) "Seamen" includes any person employed on board in the care, preservation, or navigation of any vessel, or in the service, on board, of those engaged in such care, preservation, or navigation, but does not include the owner or joint owners of a vessel or the spouse of any such owner, except owner-operators as described in § 32.6(a) (12);

(e) "Vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, exclusive of aircraft and amphibious contrivances;

(f) "Authorizing Official" means Service officers or employees duly designated by the Director, Division of Hospitals and Clinics to authorize and provide care and treatment to beneficiaries at Service expense;

(g) "Active Duty," with respect to an enrollee of the United States Maritime Service, means that the enrollee is on the active list of that service, as distinguished from being on inactive status, and includes absence on authorized leave or liberty;

(h) "Commercial fishing operations" means the gathering of any form of either fresh water or marine animal life for sale on a commercial basis through available markets.

BENEFICIARIES

§ 32.6 Persons eligible.

(a) Under this part the following persons are entitled to care and treatment by the Service as hereinafter prescribed:

(1) Seamen employed on vessels of the United States registered, enrolled, or licensed under the maritime laws thereof, other than canal boats engaged in the coasting trade, hereinafter designated as American seamen;

(2) Seamen employed on United States or foreign flag vessels as employees of the United States;

(3) Seamen, not enlisted or commissioned in the military or naval establishments, who are employed on State school ships or on vessels of the United States Government of more than five tons burden;

(4) Seamen on vessels of the Mississippi River Commission;

(5) Officers and crew members of vessels of the Fish and Wildlife Service;

(6) Enrollees in the United States Maritime Service on active duty and members of the Merchant Marine Cadet Corps;

(7) Cadets at State maritime academies or on State training ships;

(8) Seamen-trainees while participating in maritime training programs to de-

velop or enhance their employability in the maritime industry;

(9) Persons afflicted with Hansen's disease;

(10) Seamen on foreign flag vessels other than those seamen employed on foreign flag vessels specified in subparagraph (2) of this paragraph;

(11) Non-beneficiaries for temporary treatment and care in case of emergency;

(12) Persons who own vessels registered, enrolled, or licensed under the maritime laws of the United States, who are engaged in commercial fishing operations, and who accompany such vessels on such fishing operations, and a substantial part of whose services in connection with such fishing operations are comparable to services performed by seamen employed on such vessel or on vessels engaged in similar operations.

(b) Separate regulations govern: (1) The medical care of certain personnel, and their dependents, of the Coast Guard, National Oceanic and Atmospheric Administration and Public Health Service (see Part 31 of this chapter); (2) physical and mental examinations of aliens (see Part 34 of this chapter);

(3) care and treatment of narcotic addicts (see Part 33 of this chapter); and (4) Medical Care for Indians. (See Part 36 of this chapter.)

(c) While regulations of the Public Health Service are not required with respect thereto, circular instructions by the Service cover the care and treatment or physical examination of the following:

(1) Persons not otherwise eligible for treatment for purposes of study;

(2) Persons detained in accordance with quarantine laws;

(3) Persons detained by the Immigration and Naturalization Service, for treatment at the request of that Service;

(4) Persons entitled to treatment under the Federal Employees' Compensation Act and extensions thereof;

(5) Beneficiaries of other Federal agencies on a reimbursable basis;

(6) Medical examinations of:

(i) Employees of the Alaska Railroad and employees of the Federal Government for retirement purposes;

(ii) Employees in the Federal classified service, and applicants for appointment, as requested by the Civil Service Commission for the purpose of promoting health and efficiency;

(iii) Seamen for purposes of qualifying for certificates of service; and

(iv) Employees eligible for benefits under the Longshoremen's and Harbor Workers' Compensation Act, as amended as requested by any deputy commissioner thereunder.

AMERICAN SEAMEN

§ 32.11 Scope of benefits.

(a) American seamen (hereinafter referred to in §§ 32.11 to 32.23, inclusive, as seamen) shall, on presenting evidence of eligibility, be entitled to medical, surgical, and dental treatment or hospitalization at medical care facilities operated by the Service or, in accordance

with these regulations, at Service contract medical facilities at the expense of the Service.

(b) Where medical facilities of the Service are not available, medical care and services may be obtained from contract medical providers designated by the Service. Expenses for medical care and services obtained from non-Service providers or in non-Service facilities not arranged for by the Service in behalf of seamen is not an obligation of the Service and will not be paid.

§ 32.12 Provision of services.

(a) When a seaman requires medical, surgical and dental treatment or hospitalization which the Service is unable to provide in the local Service operated facility, or in the case of an emergency, arrangements for such medical, surgical, and dental treatment or hospitalization at the expense of the Service shall be made by an authorizing official.

(b) If eligibility cannot be established at the time of application by the seaman or by the person who applies in his behalf, the applicant shall be notified that the authorization for treatment is conditional and that the payment of reasonable expenses by the Service for such treatment shall be subject to proof of eligibility.

(c) The authorizing official shall keep himself informed regarding the progress of the case in order that treatment or hospitalization shall not be unnecessarily prolonged.

§ 32.13 Application for treatment.

(a) In nonemergency cases, a sick or disabled seaman, in order to obtain the benefits of the Service, must apply in person, or by proxy if too sick to do so, to an authorizing official as specified in § 32.12, and must furnish satisfactory evidence of his eligibility for such benefits.

(b) In emergency cases, a sick or disabled seaman shall, upon admission for such condition or as soon thereafter as is practicable under the circumstances, either personally or by proxy, notify the nearest authorizing official of the fact of such admission and treatment and shall furnish appropriate identification and satisfactory evidence of eligibility for such benefits.

§ 32.14 Evidence of eligibility.

(a) As evidence of his eligibility a seaman must present a properly executed master's certificate, or a continuous discharge book, or a certificate of discharge, showing that he has been employed on a registered, enrolled, or licensed vessel of the United States. The certificate of the owner or accredited commercial agent of a vessel as to the facts of the employment of any seaman on said vessel may be accepted in lieu of the master's certificate where the latter is not procurable. When an applicant cannot furnish any of the foregoing documents, his certification as to the facts of his most recent (including his last) employment as a seaman, stating names of vessels and dates of

service, may be accepted as evidence in support of his eligibility. Documentary evidence of eligibility, excepting continuous discharge books and certificates of discharge, shall be filed at the medical care facility of the Service where application is made. Where continuous discharge books and certificates of discharge are submitted as evidence of eligibility, the pertinent information shall be abstracted therefrom, certified by the officer accepting the application, and filed at the station.

(b) Except as otherwise provided in §§ 32.11 to 32.23, inclusive, documentary evidence of eligibility must show that the applicant has been employed for 60 days of continuous service on a registered, enrolled, or licensed vessel of the United States, a part of which time must have been during the 180 days immediately preceding application for relief. There may be included as a part of such 60 days of continuous service as a seaman time spent in training as (1) an active duty enrollee in the United States Maritime Service, (2) a member of the Merchant Marine Cadet Corps, (3) a cadet at a State maritime academy, or (4) a cadet on a State training ship. The phrase "60 days of continuous service" shall not be held to exclude seamen whose papers show brief intermissions between short services that aggregate the required 60 days: Provided, that any such intermission does not exceed 60 days. The time during which a seaman has been treated as a patient of the Service shall not be considered as absence from the vessel in determining eligibility. When the seaman's service on his last vessel is less than 60 days, his oath or affirmation as to previous service may be accepted.

§ 32.15 Sickness or injury while employed.

A seaman taken sick or injured on board or ashore when actually employed on a vessel shall be entitled to care and treatment without regard to length of service.

§ 32.16 Seamen from wrecked vessels.

Seamen taken from wrecked vessels of the United States and returned to the United States, if sick or disabled at the time of their arrival in the United States, shall be entitled to care and treatment without regard to length of service.

§ 32.17 Lapse of more than 180 days since last service.

(a) Where more than 180 days have elapsed since an applicant's last service as a seaman, he will no longer be eligible for benefits from the Service: *Provided*, That if he can show that he has not definitely changed his occupation, such period of time shall not exclude him from receiving care and treatment (1) if due in whole or in part to closure of navigation or economic conditions resulting in decreased shipping with consequent lack of opportunity to ship; or (2) if he provides satisfactory evidence that he has been under continuous medical supervision and treatment at other than Service expense for a condition which oc-

curred or arose during any period of treatment at a Service facility or at Service expense.

(b) Where a seaman receives care and treatment by the Service or at Service expense during a period of eligibility for a condition or illness which requires, in the opinion of the attending physician, continuing and recurring care and treatment on a regular and frequent basis, such periods of continuing and recurring care and treatment whether obtained privately by the seaman or at Service facilities or Service expense shall not be included in the computation of the 180 day period above.

§ 32.18 Procedure in case of doubtful eligibility.

When a reasonable doubt exists as to the eligibility of an applicant for service, the matter shall be referred immediately to the appropriate authorizing official or Hospital Director for decision. If, in the opinion of such person the applicant's condition is such that immediate care and treatment is necessary, temporary care and treatment shall be given pending the decision as to eligibility.

§ 32.19 False document evidencing service.

The issue or presentation of a false document as evidence of service with intent to procure the treatment of a person as a seaman shall be immediately reported to the Headquarters of the Service.

§ 32.20 Treatment during voyage.

The Service shall not be liable for expenses incurred during a voyage for the care of sick and disabled seamen.

§ 32.21 Care while in custody.

Seamen shall not be provided treatment at the expense of the Service while in police custody.

§ 32.22 Reconsideration of eligibility denial.

A decision of the authorizing official or Hospital Director denying eligibility shall be communicated to the seaman in writing, shall set forth the reasons therefor, and shall state that such decision may be reconsidered by the Secretary upon written request setting forth the facts in support of such request.

§ 32.23 Certificate of discharge from treatment.

A certificate of discharge from treatment may, at the discretion of the officer in charge, be given to a hospital patient, but such certificate, when presented at another medical care facility shall not be taken as establishing the seaman's eligibility for further care and treatment, but may be considered in connection with other documentary evidence of eligibility submitted by the seaman.

SEAMEN; STATE SCHOOL SHIPS AND VESSELS OF THE UNITED STATES GOVERNMENT

§ 32.46 Conditions and extent of treatment.

Seamen, not enlisted or commissioned in the military or naval establishments, who are employed on State school ships, on vessels of the United States Government of more than five tons burden, or on vessels of the Mississippi River Commission or of the Fish and Wildlife Service, shall be entitled to care and treatment by the Service under the same conditions, where applicable, and to the same extent as is provided for American seamen.

OWNER-OPERATORS OF COMMERCIAL FISHING VESSELS**§ 32.57 Conditions and extent of treatment.**

Persons who own vessels registered, enrolled, or licensed under the maritime laws of the United States, who are engaged in commercial fishing operations, and who accompany such vessels on such fishing operations, and a substantial part of whose services in connection with such fishing operations are comparable to services performed by seamen employed on such vessel or on vessels engaged in similar operations shall be entitled to care and treatment by the Service under the same conditions, where applicable, and to the same extent as is provided for American seamen.

MARITIME SERVICE ENROLLEES AND MERCHANT MARINE CADETS**§ 32.61 Use of Service facilities.**

Enrollees in the United States Maritime Service on active duty and members of the Merchant Cadet Corps shall, upon written request of the responsible officer of the station or training ship to which such enrollees or cadets are attached, identifying the applicant, be entitled to medical surgical, and dental treatment or hospitalization at medical care facilities of the Service or at Service expense. Whenever an enrollee or cadet applies for care without the above-mentioned written request and in the opinion of the responsible Service officer the applicant's condition is such that immediate care and treatment is necessary, temporary care and treatment shall be given pending verification of the applicant's status as an enrollee or cadet.

(b) If eligibility cannot be established at the time of application by the enrollee or cadet or by the person who applies in his behalf, the applicant shall be notified that the authorization for treatment is conditional and that the payment of reasonable expenses by the Service for such treatment shall be subject to proof of eligibility.

(c) The authorizing official shall keep himself informed regarding the progress of the case in order that treatment or hospitalization shall not be unnecessarily prolonged.

§ 32.62 Injury while in custody.

Enrollees on active duty or cadets shall not be provided treatment at the expense of the Service while in police custody.

§ 32.63 Absence without leave.

Enrollees on active duty or cadets shall not be entitled, when absent without leave, to receive medical care except at a medical care facility of the Service or under contract to the Service.

CADETS AT STATE MARITIME ACADEMIES OR ON STATE TRAINING SHIPS**§ 32.76 Conditions and extent of treatment.**

Cadets at State maritime academies or on State training ships shall be entitled to care and treatment by the Service under the same conditions and to the same extent as is provided for American seamen. Provided, however, that the written request of the superintendent or other responsible officer of an academy, including the master of a training ship, shall be accepted in lieu of the documentary evidence of eligibility required of American seamen.

PERSONS WITH HANSEN'S DISEASE**§ 32.86 Admissions to Service facilities.**

Any person with Hansen's disease who presents himself for care or treatment or who is referred to the Service by the proper health authority of any State, Territory, or the District of Columbia shall be received into the Service hospital at Carville, Louisiana, or into any other hospital of the Service which has been designated by the Secretary as being suitable for the accommodation of persons with Hansen's disease.

§ 32.87 Confirmation of diagnosis.

At the earliest practicable date, after the arrival of a patient at the Service hospital at Carville, Louisiana, or at another hospital of the Service the medical staff shall confirm or disapprove the diagnosis of Hansen's disease. If the diagnosis of Hansen's disease is confirmed, the patient shall be provided appropriate inpatient or outpatient treatment. If the diagnosis is not confirmed, the patient shall be discharged.

§ 23.88 Examinations and treatment.

Patients will be provided necessary clinical examinations which may be required for the diagnosis of primary or secondary conditions, and such treatment as may be prescribed.

§ 32.89 Discharge.

Patients with Hansen's disease will be discharged when, in the opinion of the medical staff of the hospital, optimum hospital benefits have been received.

§ 32.90 Notification to health authorities regarding discharged patients.

Upon the discharge of a patient the medical officer in charge shall give notification of such discharge to the appropriate health officer of the State, Territory, or other jurisdiction in which the discharged patient is to reside. The notification shall also set forth the clinical findings and other essential facts necessary to be known by the health officer relative to such discharged patient.

SEAMEN ON FOREIGN FLAG VESSELS**§ 32.106 Conditions and extent of treatment; rates; burial.**

(a) Seamen on foreign flag vessels may, when suitable accommodations are available and on application of the master, owner, or agent of the vessel, be provided treatment at medical care facilities of the Service at rates prescribed by the Secretary.

(b) Upon application, the Service may assist in arranging for private hospitalization of such seamen or private services in connection with their treatment at the expense of the master, owner, or agent of the vessel.

(c) If any such seaman dies while receiving treatment by the Service, the expenses of burial shall be paid directly to the vendors by the master, owner, or agent.

NONBENEFICIARIES: TEMPORARY TREATMENT IN EMERGENCY**§ 32.111 Conditions and extent of treatment; charges.**

(a) Persons not entitled to treatment by the Service may be provided temporary care and treatment at medical care facilities of the Service in case of emergency as an act of humanity.

(b) Persons referred to in paragraph (a) of this section who, as determined by the officer in charge of the Service facility, are able to defray the cost of their care and treatment shall be charged for such care and treatment at the following rates (which shall be deemed to constitute the entire charge in each instance): In the case of hospitalization, at the current interdepartmental reciprocal per diem rate; and, in the case of outpatient treatment, at rates established by the Secretary.

[FR Doc.75-16034 Filed 6-18-75; 8:45 am]

Title 45—Public Welfare**CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE****PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS****PART 248—COVERAGE AND CONDITIONS OF ELIGIBILITY FOR MEDICAL ASSISTANCE****Blindness as a Condition of Eligibility**

Notice of proposed rule making regarding provisions for the determination of blindness for purposes of eligibility under titles X, XVI and XIX of the Social Security Act was published in the FEDERAL REGISTER of August 23, 1974 (39 FR 30496). The proposal related to the determination of the existence of blindness in applicants for or recipients of cash payments under the public assistance titles or of Medicaid under title XIX. Eye examinations of such persons may be performed either by a physician skilled in diseases of the eye or an optometrist. The medical reports of such

eye examinations would be reviewed by a State supervising physician skilled in the diseases of the eye, who is responsible for determining whether the medical evidence indicates that the applicant meets the State's definition of blindness, and if periodic reexaminations are necessary to assure that the individual continues to meet that definition.

Comments were received from one hundred and twenty-five individual respondents; seven Congressmen and Senators; seven State agencies; officers of the American Optometric Association and twenty-two State Optometric Associations; two practicing ophthalmologists; seventy-three practicing optometrists; one private citizen; one State Medical Society; one Low Vision Clinic and one Society for the Prevention of Blindness. Almost all of the comments received were from optometrists and their associations which contended that optometrists have sufficient expertise to make the final decisions and certifications of blindness. This was not accepted since the certification of blindness involves the identification of the condition causing blindness, its probable course, the possibility of improvement through treatment, and the need for re-examination; consequently, the expertise of a physician is necessary in making such a medical review.

Many comments indicated a mistaken interpretation that the initial examination must be given by an ophthalmologist. Under the statute and regulations, the individual has a choice of examination by an optometrist or physician. The regulations now clarify more explicitly this freedom of choice of practitioner.

Several comments stated that in many States and rural areas, there are insufficient numbers of ophthalmologists to make the determinations of blindness or to serve as the supervising physician in the State agency. Since there is only one such position in each State, no difficulty in obtaining qualified personnel is anticipated and none has been indicated by the States. The regulations indicate that States may use a physician skilled in diseases of the eye (e.g., an eye, ear, nose, and throat specialist) rather than an ophthalmologist.

One comment noted that in those States where the Social Security Administration performs the bulk of eligibility determinations, the only blindness determinations left to the States are those for the non-cash categorically needy and the medically needy. The regulations have been revised (by substituting the word "reviewing" for "supervising") to clarify that the States may arrange for eligibility reviews as needed on either a contract or fee-for-service basis.

The following changes have been made in the regulations to clarify the language and to reflect comments received.

1. § 233.70(a)(2) and § 248.70(a)(2) have been revised to clarify that the individual retains the choice of selecting either a physician or optometrist for the initial examination for blindness and that such examination does not constitute a certification of eligibility.

2. § 233.70(a)(3) and § 248.70(a)(3) are revised to allow States to use a reviewing physician rather than a supervising physician in making the agency's decision that the applicant meets the State definition of blindness, and to clarify the term "physician skilled in diseases of the eye."

3. § 233.70(b)(1) and § 248.70(c)(1) have been amended to clarify that the final determination is made by the State reviewing physician.

1. Section 233.70(a)(2) and (3) and (b)(1) of Part 233, Chapter II, Code of Federal Regulations, is revised as follows:

§ 233.70 Blindness.

(a) *State plan requirements.* A State plan under title X or XVI of the Social Security Act must:

(2) Provide, in any instance in which a determination is to be made whether an individual is blind or continues to be blind as defined under the State plan, that there will be an initial examination or re-examination performed by either a physician skilled in the diseases of the eye or by an optometrist, whichever the individual so selects.

(i) No examination is necessary when both eyes are missing.

(ii) Where an initial eye examination or re-examination is necessary, the physician or optometrist conducting such examination will submit to the State agency a report thereof, on such forms and in such manner, as may be prescribed for such purpose. A determination whether the individual meets the State's definition of blindness under the State plan will be based upon a review of such eye examination report as provided for in paragraph (a)(3) of this section, and other information or additional examination reports as the State deems necessary.

(3) Provide that each initial eye examination report and any subsequent re-examination report will be reviewed by a State reviewing physician skilled in the diseases of the eye (e.g., an ophthalmologist or an eye, ear, nose and throat specialist). Such physician is responsible for making the agency's decision that the applicant or recipient does or does not meet the State's definition of blindness, and for determining if and when re-examinations are necessary in periodic reviews of eligibility, as required in § 206.10(a)(9)(iii) of this chapter.

(b) *Federal financial participation.*

(1) *Assistance payments.* Federal financial participation is available in assistance provided to or in behalf of any otherwise eligible person who is blind under the State's title X or XVI plan. Blindness may be considered as continuing until a determination by the reviewing physician establishes the fact that the recipient's vision has improved beyond the State's definition of blindness, set forth under its State title of X or XVI plan.

2. Section 248.70(a)(2) and (3) and (c)(1) of Part 248, Chapter II, Code of Federal Regulations, is revised as follows:

§ 248.70 Blindness.

(a) *State plan requirements.* A State plan under title XIX of the Social Security Act must:

(2) Provide, in any instance in which a determination is to be made whether an individual is blind or continues to be blind as defined under the State plan, that there will be an initial examination or re-examination performed by either a physician skilled in the diseases of the eye or by an optometrist, whichever the individual so selects.

(i) No examination is necessary when both eyes are missing.

(ii) Where an initial eye examination or re-examination is necessary, the physician or optometrist conducting such examination will submit to the State agency a report thereof, on such forms and in such manner, as may be prescribed for such purpose. A determination whether the individual meets the State's definition of blindness under the State plan will be based upon a review of such eye examination report as provided for in paragraph (a)(3) of this section, and other information or additional examination reports as the State deems necessary.

(3) Provide that each initial eye examination report and any subsequent re-examination report will be reviewed by a State reviewing physician skilled in the diseases of the eye (e.g., an ophthalmologist or an eye, ear, nose and throat specialist). Such physician is responsible for making the agency's decision that the applicant or recipient does or does not meet the State's definition of blindness, and for determining if and when re-examinations are necessary in periodic reviews of eligibility, as required in § 206.10(a)(9)(iii) of this chapter.

(c) *Federal financial participation.*

(1) *Assistance payments.* Federal financial participation is available in medical assistance provided to any otherwise eligible person who is blind under the State's title XIX plan. Blindness may be considered as continuing until a determination by the reviewing physician establishes the fact that the recipient's vision has improved beyond the State's definition of blindness set forth under its State title XIX plan. (See § 248.4(b)(7) for Federal financial participation with respect to medical assistance for persons determined by the Social Security Administration as no longer eligible for title XVI benefits on the basis of blindness.)

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

Effective date: The regulations shall be effective September 17, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.714; Medical Assistance Program)

Dated: May 23, 1975.

JAMES S. DWIGHT, Jr.,
Administrator, Social and
Rehabilitation Service.

Approved: June 16, 1975.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc. 75-16035 Filed 6-18-75; 8:45 am]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Docket No. 73-15; General Order 11;
Amdt. 2]

PART 512—FINANCIAL REPORTS BY COM- MON CARRIERS BY WATER IN THE DOMESTIC OFFSHORE TRADES

Non-Vessel Operating Common Carriers

By notice of proposed rulemaking published April 18, 1973 (38 FR 9601), the Federal Maritime Commission announced its intention to amend the requirements of its General Order 11 by extending the financial reporting requirement of Title 46 Part 512 to non-vessel operating common carriers by water in the domestic offshore trades. As previously in effect, Part 512 applied only to vessel operating common carriers in those trades. It was the intention of the Commission by this rulemaking proceeding to: (1) Redesignate the provisions of Part 512 as "Subpart A—Vessel Operating Common Carriers: Balance Sheet and Income Statement Reports"; (2) add a new "Subpart B—Non-Vessel Operating Common Carriers: Balance Sheet and Income Statement Reports"; and (3) retitle Part 512 "Financial Reports by Common Carriers by Water in the Domestic Offshore Trades".

The purpose of this amendment is to increase the data available to the Commission regarding the operating results of nonvessel operating common carriers so that the financial conditions of this particular part of the maritime transportation system may assist the Commission in discharging its regulatory duties under the Intercoastal Shipping Act, 1933, and the Shipping Act, 1916. Without the data required by this new Subpart, the Commission must exercise its authority in semidarkness. The data provided by NVOCC's pursuant to that amendment will allow the Commission much greater information on which to base its day-to-day regulatory guidance.

Written comments on the proposed amendment were invited and received from seven (7) interested parties. The Commission has carefully considered all comments submitted and these submissions are kept on file with the Commission. Many of the comments submitted were of a general nature. Some of the suggestions made have been adopted, others have been substantially satisfied by editorial emendations, and still

others have been scrutinized in light of the entire record in this proceeding and have been found to be without sufficient merit to warrant their adoption herein. Others of the comments elicited were of a more specific nature and will be discussed individually hereinafter.

One party urged that the reporting requirements of the Subpart not apply to shipments of used household goods and unaccompanied baggage moving on government bills of lading. This request required no modification to the proposed rules since, for reasons discussed below with respect to temporary exemption of household goods NVO's from the requirements of the rules of the new subpart, that issue has been dealt with.

Another comment received urged that NVOCC's having annual revenues below a certain level be permitted to file abbreviated data such as is kept in the normal course of business rather than as required under the proposed rule. It was suggested that a reasonable annual revenue figure would be \$5 million. NVOCC's having revenues above that threshold would allegedly be better able to shoulder the expense of added accounting costs necessitated by the proposed rules.

The Commission is of the opinion that the suggested threshold of \$5 million is unrealistic in that to the best of our knowledge, no NVOCC now earns revenues in excess of \$5 million in any domestic offshore trade. However, since we can readily comprehend the burden to smaller NVO's the rules have been so modified that an NVO receiving less than \$25,000 annual revenue in an offshore trade will be subjected to lesser reporting requirements. This \$25,000 figure was chosen because it corresponds with the cutoff for vessel operating common carriers who must file with the Commission (§ 512.3(c)(3)) and because \$25,000 appears to be a reasonable figure below which the burden to the NVO would outweigh the regulatory benefit achieved. It was also determined by the Commission that there was a certain ambiguity as to which reports could be abbreviated. As a result, the italicized portion of the modified section below was inserted for clarification. Therefore, the current § 512.22¹ has been amended by the addition of a new paragraph (1) reading as follows:

(1) Exception. NVOCC's who have earned gross revenues in a Trade of \$25,000 or less for the reporting period, (from the carriage of cargo other than used household goods) and who would otherwise be subject to these reporting requirements, may submit, for that trade, instead of the statements, a fiscal year-end balance sheet and income statement, together with a statement of the total revenues from carriage of Trade cargo and the amount of ocean transportation expense related to that cargo. These NVOCC's shall be subject only to the provisions of § 512.21(b), § 512.22, § 512.23 and § 512.24 hereof.²

¹ Because of the shifting of section designations, accomplished in the final rule, all references to section numbers refer to the final rule.

² As printed herein, deleted language will appear in brackets; added language will appear in italics.

Another comment suggested that the supplementary data required to be filed under § 512.25(d) each time a general rate increase is filed would be unduly repetitive. That data required concerns general corporate information—corporate structure, business activities, date and place of incorporation or organization, whether or not recently reorganized and, if so, why, etc.

This point is well taken. That provision has therefore been amended so that such supplementary data will be required only when there is new information applicable since the last filed report. To accomplish this, Hearing Counsel proposed, and we have adopted, that § 512.22(d) be amended as follows:

(d) When an NVOCC files a general rate charge in any domestic offshore trade regulated by this Commission, it shall file concurrently therewith, in duplicate, financial and operating data as indicated in Subparagraphs (1), (2), and (3) of this paragraph. *It shall also file, concurrently therewith, the supplementary data required by § 512.25(d) to the extent that the supplementary data have changed since the last filed report.* * * *

Though not generated by comments to the proposed rule, Hearing Counsel to the Commission recommended that § 512.22(d) be amended by adding the phrase "filed within any given six months period" after the words "rate or rates". As so amended, § 512.22(d) would read as follows:

(d) * * * for the purposes of this paragraph, a general rate change is defined as any new or changed rate or rates *filed within any six months period* which will increase or decrease gross revenues in the trade by 3 percent or more.

Hearing Counsel's reason for this amendment was that such a change would be necessary to prevent attempted circumvention of the rule by filing a series of small rate changes, any one of which, individually, would not have constituted a general rate change, but which when totalled would have the effect of a general rate change. The Commission has adopted this recommendation with certain nonsubstantive clarifying language.

Comment was registered suggesting that NVOCC's operating to the Trust Territory of Guam and the other Islands of the Trust Territory should be exempt from the proposed filing requirements. While the reason given was the inflationary pressure applied to the rate structure of such NVOCC's by the increased overhead costs, the commentator also noted its understanding that the proposed rule would exempt the Hawaii and Alaskan trades. The basis of this second contention is in error. Only intrastate trades are exempt; the continental U.S./Hawaii or U.S./Alaskan trades are not exempt. It was suggested that this misconception may be caused by unclear wording in § 512.22(a). While the definition of "domestic offshore trades" provided in § 512.21(c) seems clearly to exclude intrastate operations, it was recommended that to clarify this fact further § 512.22(a) be amended as follows:

"(a) All persons engaged in NVOCC operations in the common carriage of property in

the domestic offshore trades [except persons engaged in intrastate operations in Alaska and Hawaii] (except persons engaged exclusively in the carriage of used household goods)

The rationale for the amendment was two-fold. The suggested rewording would remove the statement as to intrastate trade which was shown to be confusing and would give express effect to the "temporary" exemption of NVOCS's engaged exclusively in the carriage of used household goods recommended in comments and adopted in these final rules.

A general comment strongly urged that the financial and accounting reports are unworkable as applied to household goods NVO's. For numerous reasons it was claimed that meaningful data either is not available in the format required or that such data cannot be compiled without these NVO's sustaining heavy financial and administrative burdens. Support for this claim was lengthy and consisted of many factors of merit. This Commission has concluded that the questions raised merit further consideration and that, as a result, household goods NVO's should be temporarily exempted from these reporting requirements until a viable reporting system can be achieved between the Commission staff and interested parties. This has been accomplished through the amendment to § 512.22(a) above.

Hearing Counsel to the Commission proposed that a new "Schedule B-1" be included in the proposed rules of § 512.25 (a) which would provide operating revenue per commodity and total operating revenues by trade on an annual basis. Hearing Counsel urge its adoption as "information . . . necessary for the proper evaluation of the significance of rate changes by NVO's". This recommendation was adopted by the Commission. Incorporation of the schedule into the proposed rules (§ 512.25(c)) required the addition of a new subparagraph (c) (3) with the sequential renumbering of the remaining subparagraphs and renumbering of the remaining proposed schedules from B-1 through B-7 to B-2 through B-8. These amendments have been accomplished in these final rules.

In addition to the modifications discussed here which resulted from public procedure on the proposed rules, there have been accomplished certain nonsubstantive emendations for the sake of regulatory clarity and form. These concern, specifically, shifting of section positions within the Subpart and the addition of conforming language. All substantive modifications to the proposed rules were adopted after thorough scrutiny of comments, replies to comments, and answers to replies. Any comments not discussed here or incorporated into these final rules, have nonetheless, been thoroughly examined and considered.

Therefore, pursuant to sections 18, 21 and 43 of the Shipping Act, 1916 (46 U.S.C. 817, 820 and 841(a)) and sections 2, 4 and 7 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844, 845 and 847), Part 512 of Chapter IV, Title 46 CFR is amended to read as follows:

Part 512 is retitled "Financial Reports by Common Carriers by Water in the Domestic Offshore Trades";

The current provisions of §§ 512.1 through 512.7 inclusive shall be headed:

Subpart A—Vessel Operating Common Carriers: Balance Sheet and Income Statement Reports

Section 512.2 is hereby amended by the addition of the following sentence at the end thereof: "For purposes of §§ 512.1 through 512.7 all references to 'this part' found in any such sections shall mean 'this subpart.'";

Immediately following § 512.7 is added a new Subpart B which reads as follows:

Subpart B—Non-Vessel Operating Common Carriers: Balance Sheet and Income Statement Reports

Sec.	Purpose.
512.20	Definitions.
512.21	General Requirements.
512.22	Certification.
512.23	Access to and Audit of Records.
512.25	Forms and Reports.

AUTHORITY: Sec. 18, 21, 43, 79 Stat. 1124, 39 Stat. 736, 738; 46 U.S.C. 817, 820, 841a; secs. 2, 4, 7, 72 Stat. 977, 79 Stat. 213; 46 U.S.C. 844, 845.

Subpart B—Non-Vessel Operating Common Carriers: Balance Sheet and Income Statement Reports

§ 512.20 Purpose.

The purpose of the rules of this subpart is to require Non-Vessel Operating Common Carriers by Water (NVOCC's) in domestic offshore trades to file financial and operating data with this Commission. This data is required to file the need of the Commission for information as to the financial condition and operating results of NVOCC's in order to discharge its duties more effectively under the Shipping Act, 1916, as amended, and the Intercoastal Shipping Act, 1933, as amended.

§ 512.21 Definitions.

Various expressions, terms, and designations used herein may or may not have additional meanings or usage. For the purposes of this subpart, however, these terms are expressly limited as follows:

(a) "Line Haul Transportation"—All transportation of freight on land other than pick-up and delivery and local terminal operations.

(b) "Pick-up and Delivery"—The service performed by an NVOCC, or its agent pursuant to its FMC tariff(s) for purposes of pick-up or delivering cargo from or to a shipper's or consignee's place of business or other location designated by the shipper or consignee.

(c) "Domestic Offshore Trade (Trade)"—Carriage of commercial cargo on an established domestic offshore route under the terms of a tariff or tariffs on file with and regulated by the Federal Maritime Commission. Domestic offshore routes are defined as (1) between any one of the four following areas of the Continental United States and one noncontiguous area of the United States, or (2) between two noncontiguous areas of the

United States. Where service is offered to or from two or more areas at the same rates (e.g., Atlantic Coast to Puerto Rico and the Virgin Islands) and listed as such in a single tariff, the carriage of cargo to or from those two or more areas may be treated as one domestic offshore trade for the purposes of this subpart.

(i) The four areas of the Continental United States are:

- (a) North Atlantic (Maine to Hatteras);
- (b) South Atlantic (Hatteras to Key West);
- (c) Gulf (Key West to and including Brownsville); and
- (d) West Coast.

(ii) The noncontiguous areas of the United States are:

- (a) Alaska;
- (b) American Samoa;
- (c) Guam;
- (d) Hawaii;
- (e) Midway;
- (f) Puerto Rico;
- (g) U.S. Virgin Islands; and
- (h) Wake Island.

(d) "Related Companies"—Companies or persons that directly, or indirectly through one or more intermediaries, control or are controlled by, or are under common control with the accounting NVOCC. The term "Control" (in reference to a relationship between any person or persons and another person or persons) shall be construed to include actual as well as legal control whether maintained or exercised through or by reason of the method of or circumstances surrounding organization or operation through or by common directors, officers, or stockholders, a voting trust or trusts, a holding or investment company or companies, or through or by any other direct or indirect means and to include the power to exercise control.

§ 512.22 General Requirements.

(a) All persons engaged in NVOCC operations in the common carriage of property in the domestic offshore trades (except persons engaged exclusively in the carriage of used household goods), and required by the Intercoastal Shipping Act, 1933, as amended, to file tariffs with the Federal Maritime Commission shall execute and file, in duplicate, with the Secretary of the Federal Maritime Commission, financial statements and supplementary data in the form prescribed in this subpart.

(b) Annual statements and supplementary data shall be filed within 90 days after the close of each fiscal year. The first report shall be filed within 90 days after the close of the first fiscal year ending after the date of promulgation of this regulation.

(c) Upon application the Commission may:

(1) Grant reasonable extensions of the time limit prescribed by this section for filing the statements and data required; *Provided, That:*

(i) The application therefor is received within a reasonable length of time (a minimum of 15 days) before the statements and data are due;

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(ii) The application sets forth reasons which justify the extension requested;

(iii) The application sets forth a specific date on or before which the statements and data will be filed; and

(iv) The application is not construed as constituting relief from possible penalties for late filing unless granted.

(2) Relieve an NVOCC from full compliance with this subpart and require it to submit other data as this Commission deems necessary; *Provided, That:*

(i) The application shows good cause and is accompanied by a description of the data which the NVOCC proposes to submit in lieu of the required statements and is filed within a reasonable time, ordinarily considered to be a minimum of 60 days, before the statements are due; or

(ii) The Commission finds full compliance with this subpart is not necessary to its regulatory functions.

(d) When an NVOCC files a general rate change in any domestic offshore trade regulated by this Commission, it shall file concurrently therewith, in duplicate, financial and operating data as indicated in paragraphs (d) (1), (2), and (3) of this section. It shall also file concurrently therewith the supplementary data required by § 512.25(d) to the extent that the supplementary data have changed since the last filed report. For the purposes of this paragraph, a general rate change is defined as any new or changed rate or rates filed within any six-month period which will, by itself, or in the aggregate, increase or decrease gross revenues in the Trade by three percent or more. Gross revenues for this purpose shall be for a 12-month period ending not more than 60 days prior to the date of filing the general rate change. The financial and operating data shall consist of:

(1) A Balance Sheet and supporting schedules in the format required by § 512.25(b) as of the end of a month ending not more than 60 days prior to the filing of the general rate change. For the purpose of this paragraph adjusting and closing entries, where not available, shall be estimated on the basis of prior experience;

(2) An Income Statement and supporting schedules in the format required by § 512.25(c) for a 12-month period ending not more than 60 days prior to the filing of the general rate change; and

(3) A projected Income Statement in the format required by § 512.25(c) for a 12-month period commencing with the beginning of the month following the month in which the proposed rate change is to become effective. If an NVOCC files a general rate change within 90 days after the end of its financial year, it may, at its option, furnish its annual Balance Sheet and Income Statement (Exhibits A and B and supporting schedules) in lieu of the information set forth in paragraphs (d) (1) and (2) of this section. The requirement to furnish the projected Income Statement would not be affected by this substitution.

When a changed rate is filed which does not meet the criteria set forth in this paragraph, the following certification must be submitted with the changed rate.

CERTIFICATION

I, the undersigned _____

(type or print name and title of officer in charge of accounts)

of _____ certify

(full name of reporting company) that the changed rate submitted herewith does not constitute a general rate change as defined in 46 CFR 512.22(d) and for that reason no financial and operating data as set forth in subparagraphs (1), (2), and (3) thereof are necessary.

Signature _____

Date _____

(e) Where it is necessary to separate revenues, expenses, and/or property as between the subject Trade and other activities, direct assignment shall be made wherever possible. For those items not directly assignable, allocations shall be made on the basis of cubic feet of the various classes of cargo handled. The NVOCC may also present other material prepared by alternative methods of allocation, but such material will be in addition to, not in lieu of the required data. When such additional material is submitted, the methods used shall be explained and fully supported.

(f) All NVOCC's subject to the reporting requirements of this subpart must comply fully with the instructions contained herein, both as to the submission of the specified reports and compliance with the methods prescribed for their preparation except as previously authorized under paragraph (c) of this section.

(g) The establishment of the rules and regulations prescribed in this subpart is without prejudice to the right of the Federal Maritime Commission to employ other bases for allocation and calculation in any instance where in its opinion the application of such rules and regulations does not produce reasonable results.

(h) All calculations required by allocations shall be carried to a minimum of two places beyond the decimal point; e.g., 95.54 percent.

(i) All schedules required under this subpart shall be accounted for on each submission by actual inclusion of the information required or inclusion of a schedule marked "NONE" or "NOT APPLICABLE", or by use of such notation(s), where appropriate, in a table of contents listing each exhibit and schedule by number and name. Supporting subschedules shall be so identified, shall refer to the schedule or schedules supported, and if one of a series shall so indicate. Principal schedules shall identify any supporting subschedule(s).

(j) If any conflicts appear between the wording of this subpart and any examples or Pro-Forma Statements furnished for use in conjunction with this subpart, the wording of this subpart shall be controlling.

(k) Where individual items included in the general categories described in the attached schedules as "other" or "other (identify)" exceed \$50,000 or 5 percent of reported gross revenues for the Trade, whichever is less, those individual items and the amounts applicable thereto shall be specifically identified.

(1) *Exception.* NVOCC's who have earned gross revenues in a Trade of \$25,000 or less for the reporting period (from the carriage of cargo other than used household goods), and who would otherwise be subject to these reporting requirements, may submit, for that trade, instead of the statements, a fiscal year-end balance sheet and income statement, together with a statement of the total revenues from carriage of Trade cargo and the amount of ocean transportation expense related to that cargo. These NVOCC's shall be subject only to the provisions of § 512.21, § 512.22(b), § 512.23, and § 512.24 hereof.

§ 512.23 Certification.

The data required by this subpart shall be accompanied by a certification of the corporate officer responsible for the maintenance and accuracy of the books, accounts, and financial records of the NVOCC that:

(a) The books and accounts have been maintained consonant with an appropriate system of accounts in accordance with generally accepted accounting principles; and

(b) The exhibits and schedules have been prepared from the books and records of the NVOCC in accordance with this subpart.

§ 512.24 Access to and Audit of Records.

All working papers (irrespective of by whom prepared) in support of all exhibits and schedules submitted, as well as the books and records of the carrier shall be made available upon request for examination by auditors representing the Federal Maritime Commission, and said auditors shall be permitted to make copies of such records, at the Commission's expense, to the extent they deem necessary. Notice of audits and the confidentiality of information obtained thereby shall be governed by the pertinent provisions of General Order 21 (46 CFR 513.3, 513.5 and 513.6).

§ 512.25 Forms and Reports.

[The reporting requirement contained in this amendment has been approved by the U.S. General Accounting Office under number B-180233 (R 0191) and expires May 31, 1978.]

(a) *General.* (1) The financial information required by this subpart shall be submitted in the form of the prescribed exhibits and schedules and shall consist of: Exhibit A, Balance Sheet and supporting schedules; and Exhibit B, Income Statement and supporting schedules. A separate set of exhibits and schedules shall be filed for each Domestic Offshore Trade as defined in § 512.21 (c).

(2) Pro-Forma Statements illustrating the required exhibits and schedules are appended to these rules and are described in paragraphs (b) and (c) of this section. It is to be understood that the Pro-Forma Statements are for illustrative purposes only; no blank forms for reporting will be provided.

(b) *Exhibit A—Balance Sheet and Supporting Schedules.* (1) The Balance Sheet shall be prepared from the NVOCC's books and records in accordance with generally accepted accounting principles, and shall be accompanied by appropriate footnotes; and

(2) Schedule A-1 shall set forth details of the Company's Property and Equipment and assigned or allocation thereof to Federal Maritime Commission Trade and to Other Operations.

(c) *Exhibit B—Statement of Income and Supporting Schedules.* (1) A Statement of Income and supporting schedules shall be prepared showing total operating results and the results of operation in the subject Trade.

(2) *Operating Revenue.* Operating Revenue shall include total revenues received by the Company as well as the revenue from cargo carried in the Trade and shall be stated separately as to ocean freight revenue and other revenue in the various categories set forth on Exhibit B. Where Pick-up and Delivery services are identified as separately priced services in the Trade tariff, the revenue earned therefrom shall be stated as a separate category. Other revenues shall include other terminal, trucking, documentation, and miscellaneous revenues received in connection with the handling of cargo.

(3) *Operating Revenue by Tariff Description—Schedule B-1.* This schedule shall set forth, in total, and for each of the 10 commodities producing the highest revenues in the Trade, the number of cubic feet handled, the amount of Ocean Freight Revenue, Other Revenue, and Total Revenue. Where fewer than 10 commodities account for at least 90 percent of total Trade revenue, only those commodities need be separately reported. The commodities in this schedule shall be identified in accordance with the tariff description.

(4) *Ocean Transportation Expenses—Schedule B-2.* This schedule shall set forth the amounts paid or owed to each underlying ocean carrier for ocean transportation purchased for the carriage of cargo in the Trade along with the corresponding number of containers and cubic feet of cargo shipped. Total Ocean Transportation Expenses of other operations shall be reported separately.

(5) *Line Haul Transportation Expenses—Schedule B-3.* This schedule shall set forth the amounts paid or owed to motor carriers, railroads, or other land carriers for the line haul transportation of cargo in the Trade and other operations together with the cubic feet of cargo carried.

(6) *Pick-up and Delivery Expenses—Schedule B-4.* This schedule shall set forth in detail the expenses incurred in the pick-up and delivery of cargo.

(7) *Terminal Expenses—Schedule B-5.* This schedule shall set forth in detail all expenses incurred in terminal operations assigned or allocated to Trade and other operations including the loading and unloading of containers, the switching and transfer of cargo within the terminal area, and any local trucking operations not otherwise covered in line haul or pick-up and delivery (e.g., between the underlying carrier's terminal and the NVOCC's terminal).

(8) *Administrative and General Expenses—Schedule B-6.* This schedule shall set forth all Administrative and General Expenses including advertising and miscellaneous taxes. Depreciation of equipment and amortization of leasehold improvements not assignable to Pick-up and Delivery Expenses or Terminal Expenses shall also be included in this schedule.

Such expenses not susceptible to direct assignment shall be allocated to the Trade on the basis of the relation that the operating expenses assigned and allocated to the Trade bear to the total operating expenses of all operations as set forth on Exhibit B.

(9) *Other Income/Expenses—Schedule B-7.* Any other elements of income or expense shall be fully explained and supported by a schedule showing details of assignment or allocation to the Trade and other operations.

(10) *Provisions for Income Taxes—Schedule B-8.* The provisions for Federal, State, and other income taxes shall be stated separately. If the company is organized outside of the United States (e.g., Puerto Rico), it shall indicate the entity to which it pays income taxes, the tax paid, and the rate of tax applicable to its taxable income for the subject year. The tax provisions to be included herein shall be the actual taxes paid or owed for the year in question. Where that amount is not obtainable at the time of filing this report, it shall be estimated with as much precision as possible and not merely computed at the highest statutory tax rate. Tax savings resulting from the investment credit shall be shown separately and added to the Federal tax provision.

Allocation of tax liability to the Trade, where necessary, shall be made on the basis of the relationship between net income of the Trade before taxes and total net income before taxes. Where circumstances exist which would make this type of allocation inequitable to either the Trade or other operations (e.g., a large uninsured casualty loss in one aspect of operations, the circumstances should be explained and proper adjustments made to the allocated tax liability. In the absence of unusual circumstances, tax savings resulting from the filing of a consolidated return shall not be considered sufficient reason to adjust the allocated tax liability.

(11) *Extraordinary Items.* Income or losses of an extraordinary nature shall be described in an appropriate schedule and added to or subtracted from net income after taxes as shown on Exhibit B.

(12) *Profits or Losses of Related Companies.* Net income or net loss after in-

come taxes achieved by Related Companies of the NVOCC in performing services for the NVOCC in the Trade shall be added to or subtracted from the net income after taxes and extraordinary items of the NVOCC derived from the Trade as shown on Exhibit B to produce net income derived from the Trade.

(d) *Supplementary Data.* Except as otherwise provided in section 512.22(d) of this subpart, the following information shall accompany each report required to be filed under this subpart:

(1) Exact name of respondent making this report.

(2) Type of organization; e.g., corporation, partnership, sole proprietorship, or other.

(3) Date and place of incorporation or organization.

(4) If formed as the result of a consolidation or merger during the year, name of all merged companies.

(5) If reorganized during the year, name of original company, and reasons for the reorganization.

(6) If any part of the Trade activities were conducted during the subject year under a name or names other than that shown in response to inquiry No. 1, above; name or names so used and the reasons underlying the change.

(7) Description of the Company's business activities.

(8) Names of all executive officers, directors, and/or partners showing title, salary, and other remuneration received during the year and percentage of ownership in the Company.

(9) Name of company, if any, having control of the respondent's property at the close of the year.

(10) Name of each related company and details of relationship.

The rules shall become effective July 21, 1975, pursuant to section 4(c) of the Administrative Procedure Act (5 U.S.C. 553).

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

EXHIBIT A

Balance sheet as at _____
(Name of company)

ASSETS

Current Assets:
Cash _____
Marketable securities _____
Accounts Receivable:
Trade _____
Related companies _____
Other _____
Notes Receivable:
Related companies _____
Other _____
Inventories _____

Total current assets _____
Investments:
Related companies _____
Others _____
Property and equipment—Net
(schedule A-1) _____
Other assets: _____

Deferred charges _____
Prepaid expenses _____

Total assets _____
Balance sheet as at _____
(Name of company)

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LIABILITIES AND CAPITAL		Long term debt (less current portion):	
Current liabilities:		Related companies.....	
Notes payable within 1 year:		Other.....	
Related companies.....		Deferred credits.....	
Other.....		Net worth:	
Accounts Payable:		Capital stock (issued and outstanding):	
Trade.....		Common.....	
Related companies.....		Preferred.....	
Other.....		Surplus:	
Taxes:		Capital.....	
Federal.....		Earned.....	
State.....			
Other.....			
Other current liabilities.....		Total liabilities and capital.....	
Total current liabilities.....		Reference: 512.25(b)(1).	

SCHEDULE A-1.—Name of company, name of trade property and equipment

	Cost	Less accumulated depreciation	Net	Allocated to—	
				FMC trade	Other operations
Land.....					
Building.....					
Terminal equipment.....					
Automobiles.....					
Trucks.....					
Trailers.....					
Containers.....					
Furniture and fixtures.....					
Other.....					

EXHIBIT B.—Name of company, statement of income for the year ended

	Total	FMC trade	Other operations
Operating revenue:			
Freight revenue:			
Water.....			
Motor.....			
Rail.....			
Air.....			
Other revenue:			
Pick-up and delivery.....			
Storage.....			
Other categories.....			
Less bad debt expense.....			
Total operating revenue.....			
Operating expenses:			
Ocean transportation expenses (schedule B-1).....			
Line haul transportation expenses (schedule B-2).....			
Pick-up and delivery expenses (schedule B-3).....			
Terminal expenses (schedule B-4).....			
Total operating expenses.....			
Administrative and general expenses (schedule B-5).....			
Total operating and administrative and general expenses.....			
Gross profit (loss).....			
Other income and expenses (net) (schedule B-6).....			
Net income before income taxes.....			
Provision for income taxes (schedule B-7).....			
Net income before extraordinary items and profits of related companies.....			
Extraordinary items (net).....			
Profits of related companies (net).....			
Net income.....			

SCHEDULE B-1.—Name of company, name of trade, operating revenue by tariff description for the year ended

Tariff description	Cubic feet	Freight revenue	Other revenue	Total revenue
Commodity 1.....		\$	\$	\$
2.....				
3.....				
4.....				
5.....				
6.....				
7.....				
8.....				
9.....				
10.....				
Other commodities.....				
Total.....				

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SCHEDULE B-2.—Name of company, name of trade ocean transportation expenses for the year ended

	Number of containers	Cable feet of of cargo	Amount
Ocean transportation expenses:			
FMC trade:			
Name of carrier:			
Other operations:			

SCHEDULE B-3.—Name of company, name of trade, line haul transportation expenses for the year ended

	Cable feet of cargo	Amount
Line haul transportation expenses:		
FMC trade:		
Other operations:		

Reference: 512.25(e)(5)

SCHEDULE B-4.—Name of company, name of trade, pick-up and delivery expenses for the year ended

	Total	FMC trade	Other operations
Pick-up and delivery expenses:			
Salaries and wages			
Payroll taxes			
Pensions and welfare			
Vacation wages			
Maintenance and repairs			
Drayage purchased			
Gasoline and oil			
Equipment rental			
Claims and damage			
Insurance			
Depreciation			
Other—identify			
Total			

SCHEDULE B-5.—Name of company, name of trade, terminal expenses for the year ended

	Total	FMC trade	Other operations
Terminal expenses:			
Salaries and wages			
Payroll taxes			
Pensions and welfare			
Vacation wages			
Maintenance and repairs			
Gasoline and oil			
Terminal rental			
Heat, light, and power			
Equipment rental			
Cartage			
Storage			
Demurrage			
Claims and damage			
Insurance			
Security			
Amortization			
Depreciation			
Other—identify			
Total			

SCHEDULE B-6.—Name of company, name of trade, administrative and general expenses for the year ended

	Total	FMO trade	Other operations
Administrative and general expenses:			
Salaries:			
Officers.....			
Employees.....			
Payroll taxes.....			
Pensions and relief.....			
Legal and accounting fees and expenses.....			
Rent, heat, light, and power.....			
Communications expenses.....			
Office supplies, stationery, and printing.....			
Membership dues and subscriptions.....			
Entertainment.....			
Travel expenses.....			
Automobile expenses.....			
Insurance and bond premiums.....			
Postage.....			
Maintenance of office building and equipment.....			
Advertising.....			
Taxes—Miscellaneous.....			
Depreciation.....			
Amortization.....			
Interest.....			
Other—Identity.....			
Total.....			

SCHEDULE B-7

NAME OF COMPANY

NAME OF TRADE

Other income/expenses for the year ended

Reference: 512.25(c) (9).

SCHEDULE B-8

NAME OF COMPANY

NAME OF TRADE

Provisions for income taxes for the year ended

Reference: 512.25(c) (10).

[FR Doc. 75-15882 Filed 6-18-75; 8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 91—MIGRATORY BIRD HUNTING STAMP CONTEST

Contest Procedures

The rulemaking amends Subchapter G of Chapter I, Title 50, Code of Federal Regulations by adding Part 91 dealing with the rules and procedures for the annual Migratory Bird Hunting Stamp Contest. The proposed rulemaking was published in the FEDERAL REGISTER (40 FR 19013) on May 1, 1975 and 30 days were allowed for public comment.

The United States Fish and Wildlife Service (hereinafter referred to as the Service) annually conducts the Migratory Bird Hunting Stamp Contest and does not currently have any regulations governing this contest.

The migratory bird hunting stamp was authorized and required by the Migratory Bird Hunting Stamp Act of 1934, as amended (16 U.S.C. 718a). Popularly known as the "Duck stamps", they are sold through post offices and must be carried by every migratory waterfowl hunter over 16 years of age. All of the stamp revenues, beyond printing and handling costs, are used solely for the acquisition of additional migratory bird refuges.

Prior to 1949, wildlife artists were commissioned to provide the design for the annual stamp. Since that time, the design has been chosen by a contest open to all artists who are residents or citizens of the United States. The prestige of winning the contest has enhanced the reputations of established artists and has elevated otherwise unknown artists to public acclaim.

The annual contest held by the Service is the only art contest regularly sponsored by the Federal Government. The colorful stamps that are selected through the contest constitute the longest running, annually issued series of stamps in revenue or postage stamp history.

A total of 10 responses were received during the 30-day period for public comments. The comments received stressed the need for clarifying the restrictions on the allowable subject matter for the entries set forth at § 91.14. These comments also uniformly deemphasized the importance of suitability for engraving as a criteria for judging. Suggestions for modifying the proposed submission procedures were also received, as were comments on the selection of qualification of contest judges. In addition, comments concerning the scoring procedures and the proposed post-contest public display of entries were noted.

In response to the comments received, the proposed rulemaking has been revised to incorporate a number of the suggestions. The rulemaking herein set forth describes the technical specifications for designs created for the contest. The regulations also describe the procedures to be followed in actually submitting an entry. In addition, the regulations detail the qualifications and selection of the judging panel, the criteria to be used in scoring the various entries submitted, and the voting procedures to be employed by the judging panel. The major thrust behind all of these provisions is the desire to maximize the impartiality and objectivity of the selection process.

Because the contest officially opens on July 1, of each year, it is necessary to expedite the implementation of the regulations. Accordingly, this rulemaking will become effective on June 20, 1975.

F. V. SCHMIDT,
Acting Director,
Fish and Wildlife Service.

JUNE 16, 1975.

Subchapter G of Chapter I, Title 50, Code of Federal Regulations, is hereby amended by adding Part 91—Migratory Bird Hunting Stamp Contest, as follows:

Subpart A—Introduction

Sec.

- 91.1 Purpose of regulations.
91.2 Definitions.

Subpart B—Contest Entry Submission Procedures

- 91.11 Contest deadlines.
91.12 Contestant eligibility.
91.13 Technical requirements for design of entry.
91.14 Restrictions on subject matter of entry.
91.15 Suitability of entry for engraving.
91.16 Submission procedures for entry.
91.17 Property insurance for entries.
91.18 Failure to comply with contest regulations.

Subpart C—Contest Procedures

- 91.21 Selection and qualification of contest judges.
91.22 Date and location of contest.
91.23 Display of entries for contest selection.
91.24 Scoring criteria for contest.
91.25 Scoring procedure for contest.
91.26 Public attendance at contest.

Subpart D—Post-Contest Procedures

- 91.31 Return of entries after contest.

AUTHORITY: 5 U.S.C. 301.

Subpart A—Introduction

§ 91.1 Purpose of regulations.

The regulations contained in this part set forth the rules and procedures governing the annual Migratory Bird Hunting Stamp Contest through which a design is chosen for the migratory bird hunting stamp authorized and required under the Migratory Bird Hunting Stamp Act of 1934, as amended (16 U.S.C. 718a).

§ 91.2 Definitions.

For the purpose of this part, the following terms shall be construed, respectively, to mean and to include:

"Contest Coordinator" means the contest official responsible for facilitating the judging process and tabulating the judges' scores for each entry advanced into preliminary or final consideration. The contest coordinator will be named by the Secretary and will not be a past or present employee of the United States Fish and Wildlife Service.

"Fish and Wildlife Service" means the United States Fish and Wildlife Service, Department of the Interior.

"Qualifying entry" means each drawing or original work submitted in the contest which satisfies the technical requirements of design and submission procedures as outlined in Subpart B of this part.

"Reproduction rights agreement" means the agreement that each con-

testant must sign and submit which certifies the originality of his entry and acknowledges his acceptance of the terms and conditions governing the right of the Fish and Wildlife Service to use and reproduce the winning design for the purpose set forth in the agreement.

"Secretary" means the Secretary of the Interior or his authorized representative.

Subpart B—Contest Entry Submission Procedures

§ 91.11 Contest deadlines.

The contest to select the design for the annual Federal migratory bird hunting stamp will officially open on July 1 of each year. All persons intending to submit an entry in the contest shall notify the Fish and Wildlife Service and request a copy of the contest's regulations and Reproduction Rights Agreement. Requests for the Contest's regulations and Reproduction Rights Agreement should be sent to the Office of Audio Visual, United States Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Entries may be received at anytime after July 1, but must be received or postmarked no later than midnight of October 15.

§ 91.12 Contestant eligibility.

United States citizens, nationals, or resident aliens shall be eligible to participate in the contest. However, any person who has won the contest during the preceding three years shall be ineligible to submit an entry in the current year's contest. Members of the contest judging panel and their relatives are also ineligible to submit an entry.

§ 91.13 Technical requirements for design of entry.

The design must be a horizontal drawing or painting five inches high and seven inches wide. It shall be placed on a mat no larger than eight inches by ten inches. No scroll work or lettering can appear on the design itself. Each entry may be drawn in any medium desired by the contestant and may be in either multicolor or black and white. Contestants may not submit more than one entry per contest.

§ 91.14 Restrictions on subject matter of entry.

A living species of North American migratory waterfowl must be the dominant feature of any design. No such species shall be portrayed which has been selected for the migratory bird hunting stamp during the preceding five years. The design must be the contestant's own original creation and may not be copied or duplicated from previously published art, including published photographs. An entry submitted in a prior contest which was not selected for the stamp design, may be resubmitted in the present contest at the contestant's discretion.

§ 91.15 Suitability of entry for engraving.

All entries should be rendered with fullest possible attention to tone and detail. These are important prerequisites in

engraving for printing, as they determine texture and directions of lining. The wing and feather construction must be particularly well defined as an engraver is reliant on the art of the naturalist for details. Carefully detailed wash drawings using black ink or watercolor best meet these requirements. Dashing applications of watercolor are too indefinite for an engraver to render into line. Careful pencil renderings are nearly as effective as wash drawings but they often fail to define the needed degree of contrast. Etchings can be successfully adapted to engraving when they are sufficiently detailed.

§ 91.16 Submission procedures for entry.

The lower, detachable portion of the contestant's Reproduction Rights Agreement must be attached to the back of his entry. The name of the species depicted shall also be printed on the back of the entry. Each entry shall be mounted on a mat and protected by a covering of acetate or cellophane. Entries will not be accepted that are in wooden frames or are under glass. Each entry should be protectively wrapped and mailed first class registered mail to "Migratory Bird Hunting Stamp Contest," Office of Audio Visual, Fish and Wildlife Service, United States Department of the Interior, Washington, D.C. 20240. Entries will be promptly processed when received. Each contestant must also sign and submit independently of his entry, the top portion of the Reproduction Rights Agreement. This top portion of the Reproduction Rights Agreement must be sent first class, registered mail to the same address used in the submission of the contestant's entry.

§ 91.17 Property insurance for entries.

All contestants are hereby notified of the advisability of obtaining adequate property insurance coverage for their respective entry. The Department will not so insure the entries it receives.

§ 91.18 Failure to comply with contest regulations.

Any entry which fails to comply with any of the requirements of this Subpart shall be disqualified from the contest and will not be considered by the judging panel.

Subpart C—Contest Procedures

§ 91.21 Selection and qualification of contest Judges.

Five Judges will be selected annually by the Secretary. The Judges will be recognized experts in the fields of ornithology, conservation, and/or art. Current employees of the United States Fish and Wildlife Service, and their relatives are ineligible to serve as Judges for the contest. The Judges selected by the Secretary will serve without compensation, except for reasonable travel expenses. The identification of the members of the judging panel will be announced on the date that the judging takes place.

§ 91.22 Date and location of contest.

The selection of the winning entry will take place on or about October 30th of each year. The exact date, time and location of the contest will be announced a reasonable period of time prior to October 30th through the publication of a notice in the FEDERAL REGISTER.

§ 91.23 Display of entries for contest selection.

All qualifying entries will be displayed chronologically, based on the date of receipt of the entry. The only visible identification mark on each entry will be the number assigned to the entry by the Contest Coordinator or his representative, and the name of the species depicted.

§ 91.24 Scoring Criteria for Contest.

Entries will be judged on the basis of anatomical accuracy and artistic composition and will receive a score of between one and ten.

§ 91.25 Scoring procedure for contest.

Prior to the judging of the entries, the entire panel of judges will be briefed by a printing and engraving expert on the requisite characteristics which make a design suitable for engraving. The entire display of qualifying entries will be closely scrutinized by the panel of judges. Each Judge will then be allowed to nominate an unlimited number of qualifying entries for preliminary consideration by the entire panel of Judges. When the Judges have completed this nomination process, the entries so nominated for preliminary consideration will be silently voted on by written ballot by the panel of Judges. The entries receiving the five highest scores will be advanced into the final round of consideration. The entire panel of Judges will again silently vote on all of the entries remaining for final consideration and will use the same scoring system and criteria for selection as employed in the preliminary round of consideration. The Contest Coordinator will tabulate the final votes and announce the winning entry which received the highest total of points and the second and third runner-ups. In case of a tie vote for first place in the final round of consideration, the entire panel of Judges will silently vote again on the deadlocked entries, with each Judge voting for only that entry believed to be most qualified to win. The selection of the winning entry by the Judges will be final. Each contestant will be notified of the name of the winning artist and design.

§ 91.26 Public attendance at contest.

All phases of the nomination and voting process will be open for viewing by the general public.

Subpart D—Post-Contest Procedures

§ 91.31 Return of entries after contest.

All entries will be promptly returned to the participating artists upon completion of the contest.

[FR Doc. 75-15943 Filed 6-18-75; 8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 967]

CELERY GROWN IN FLORIDA

Proposed Expenses and Rate of Assessment

Consideration is being given to authorizing the Florida Celery Committee to spend not more than \$75,000 for its operations during the fiscal period ending July 31, 1976, and to collect one cent per crate on assessable celery handled by first handlers under the program.

The committee is the administrative agency established under Marketing Agreement No. 149 and Order No. 967, both as amended (7 CFR Part 967) regulating the handling of celery grown in Florida. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with this proposal shall file the same, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112-A, Washington, D.C. 20250, not later than July 7, 1975. All written comments will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

§ 967.211 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending July 31, 1976, by the Florida Celery Committee, for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate, will amount to \$75,000.

(b) The rate of assessment to be paid by each handler in accordance with this part, shall be one cent (\$0.01) per crate of celery handled by him as the first handler during the fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve to the extent authorized in § 967.62.

(d) Terms used in this section have the same meaning as when used in the marketing agreement and this part.

Dated: June 13, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and
Vegetable Division, Agricultural
Marketing Service.

[FR Doc. 75-15057 Filed 6-18-75; 8:45 am]

[7 CFR Parts 1007, 1030, 1032, 1040, 1046, 1049, 1050, 1060, 1061, 1062, 1063, 1064, 1065, 1068, 1069, 1070, 1071, 1073, 1076, 1078, 1079, 1090, 1094, 1096, 1097, 1098, 1099, 1102, 1104, 1106, 1108, 1120, 1126, 1131, 1132, 1138, and 1139]

[Docket No. AO-366-A14, etc.]

MILK IN THE GEORGIA, AND CERTAIN OTHER MARKETING AREAS

Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

CFR pt.	Marketing area	Docket No.
1007	Georgia	AO-366-A14
1030	Chicago regional	AO-361-A15
1032	Southern Illinois	AO-318-A29
1040	Southern Michigan	AO-225-A31
1046	Louisville-Leamington-Evansville	AO-123-A44
1049	Indiana	AO-319-A26
1050	Central Illinois	AO-355-A19
1060	Minnesota-North Dakota	AO-260-A10-RO2
1061	Southeastern Minnesota-Northern Iowa	AO-367-A9-RO2
1062	St. Louis-Ozarks	AO-10-A51
1063	Quad Cities-Dubuque	AO-105-A42
1064	Greater Kansas City	AO-23-A49
1065	Nebraska-Western Iowa	AO-86-A35
1068	Minneapolis-St. Paul	AO-178-A33-RO3
1069	Duluth-Superior	AO-153-A22-RO2
1070	Cedar Rapids-Iowa City	AO-229-A31
1071	Neosho Valley	AO-227-A32
1073	Wichita, Kans.	AO-173-A53
1076	Eastern South Dakota	AO-260-A21-RO2
1078	North Central Iowa	AO-272-A36
1079	Des Moines, Iowa	AO-295-A31
1090	Chattanooga, Tenn.	AO-266-A22
1094	New Orleans, La.	AO-103-A38-RO1
1096	Northern Louisiana	AO-257-A26-RO1
1097	Memphis, Tenn.	AO-219-A32
1098	Nashville, Tenn.	AO-184-A39
1099	Paducah, Ky.	AO-183-A33
1102	Fort Smith, Ark.	AO-237-A36
1104	Red River Valley	AO-298-A36
1106	Oklahoma metropolitan	AO-210-A39
1108	Central Arkansas	AO-248-A30
1120	Lubbock-Plainview	AO-328-A19
1126	Texas	AO-231-A43
1131	Central Arizona	AO-271-A21
1132	Texas Panhandle	AO-262-A28
1138	Rio Grande Valley	AO-335-A24
1139	Lake Mead	AO-374-A5

Notice is hereby given of a public hearing to be held at the U.S. Department of Agriculture (South Building, Jefferson Auditorium) 14th and Independence Avenue, Washington, D.C., beginning at 9:30 a.m. on June 26, 1975, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the aforesaid marketing areas.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 610 et seq.), and the applicable

rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The hearing is being convened in less than 15 days from the publication of this notice in the Federal Register as the only means of giving due consideration at a public hearing to emergency marketing conditions relating to the proposed amendments contained herein.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions that relate to the proposal hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

Evidence also will be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision under the rules of practice and procedure (7 CFR Part 900.12(d)) with respect to the proposal.

The proposal set forth below, has not received the approval of the Secretary of Agriculture.

PROPOSED BY THE NATIONAL MILK PRODUCERS FEDERATION

PROPOSAL NO. 1

Modify the "fluid milk product" definitions and the "classification" provisions of the respective orders, as necessary, to provide a Class I classification for skim milk and butterfat in flavored milk and flavored milk drinks (including milkshake and ice milk mixes, except those disposed of for further processing in a commercial establishment) with a non-fat milk solids content of not less than 6.5 percent by weight.

PROPOSED BY THE DAIRY DIVISION, AGRICULTURAL MARKETING SERVICE

PROPOSAL NO. 2

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrators of the respective orders, or from the Hearing Clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on June 16, 1975.

JOHN C. BLUM,
Associate Administrator.

[FR Doc. 75-15093 Filed 6-18-75; 8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 54]

ANIMALS DESTROYED BECAUSE OF
SCRAPIE

Proposed Payment of Indemnities

Statement of considerations. The purpose of this proposal is to: (1) Provide for the destruction of animals which have been directly exposed to scrapie in lieu of surveillance; (2) eliminate salvage and use for human consumption of bloodline and exposed animals; and (3) increase indemnity which may be paid for animals destroyed because of scrapie from \$25 to \$40 per head for grade animals and from \$75 to \$90 per head for purebred animals.

Scrapie is a transmissible disease of sheep and goats characterized by a long incubation period, a progressive degeneration of the central nervous system which causes the affected animals to become debilitated and incoordinated, and which terminates in death in nearly all, if not all cases. The disease was introduced into the United States by importation of breeding sheep, probably in the late 1930's or early 1940's and was first diagnosed in the United States in 1947.

The Department has modified the program from time to time as additional information became available from research. The present program provides for quarantine and observation of scrapie suspicious animals; confirmation of the disease in affected animals by histopathological examination of brain tissue; slaughter of affected animals and disposal of their carcasses by burning or burying; and disposal of bloodline animals and in certain instances exposed animals by slaughter at an approved slaughtering establishment for food.

Scrapie has been widely studied by research scientists due to its similarity to some of the spongiform degenerative diseases affecting man. Studies at research institutions and those made by the Department have proven that a transmissible agent of scrapie is involved which is capable of replication in the affected host; that the disease can spread from affected to healthy sheep and goats by contact exposure; that the disease can establish itself in recipient flocks following such spread; and that it can cause substantial losses.

The Department has long been concerned about the similarity of scrapie in sheep to some of the neurological diseases affecting man and by the possible human health hazard of processing scrapie-bloodline or scrapie-exposed sheep or goats for human consumption. Research workers have published reports of the striking similarity of clinical symptoms, primary histological lesions of the brain, and biological and physical characteristics of the agent of scrapie of sheep and goats, transmissible mink encephalopathy of mink, and kuru and Creutzfeldt-Jakob disease of man. All four of these have been successfully transmitted to one species of primate (squirrel monkey). In the case of each virus a similar disease was caused in the

squirrel monkey. Viruses causing each of the four diseases have also been transmitted experimentally to other subhuman primates and to certain other mammals.

In view of the above findings the Department can no longer justify the practice of allowing scrapie-bloodline and scrapie-exposed sheep and goats to be processed for human consumption and proposes to eliminate such salvage. To compensate the owner for loss of salvage and cost of disposal of animals, these proposed amendments would provide that Federal indemnity payments for scrapie-affected, bloodline or exposed sheep and goats are increased by \$15 per head for both purebred and grade animals to a maximum of \$40 for grade animals and \$90 for purebred animals.

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that, pursuant to the provisions of the Act of May 29, 1884, as amended; the Act of February 2, 1903, as amended; and the Act of July 2, 1962 (21 U.S.C. 111, 114, 114a, 134a-134h) the Animal and Plant Health Inspection Service is considering amending Part 54, Title 9, Code of Federal Regulations in the following respects:

1. In § 54.1, paragraph (d) would be amended; paragraph (e) would be redesignated as paragraph (g); and new paragraphs (e) and (f) would be added to read:

§ 54.1 Definitions.

(d) "Affected animal" means any sheep or goat for which a diagnosis of scrapie is confirmed.

(e) "Bloodline animal" means any sheep or goat which is: the sire or dam of an affected animal; the descendant of an affected animal; or the full or half brother or sister of an affected animal.

(f) "Exposed animal" means any sheep and/or goat that has been held, pastured or penned on a source flock or an infected flock premises in contact with an animal for which a diagnosis of scrapie is confirmed.

2. In § 54.3, paragraph (a) would be amended to read:

§ 54.3 Appraisal of animals.

(a) Affected animals, bloodline animals, and exposed animals shall be appraised at their actual value at the time and place of appraisal by a representative of Veterinary Services and a representative of the State jointly, except that, if the owner and State authorities approve, such animals may be appraised by a representative of Veterinary Service alone. Such animals may be appraised in groups providing they are the same species and type and providing that where appraisal is by the head each animal in the group is the same value per head or where appraisal is by the pound each animal in the group is the same value per pound.

3. In § 54.7, the heading and paragraphs (a) and (b) would be amended and a new paragraph (c) would be added so that the section would read:

§ 54.7 Destruction and disposition of animals.

(a) Affected animals, bloodline animals, and exposed animals shall be destroyed under this Part only after obtaining the written agreement of the owner to accept as compensation in full from the United States, 50 percent of the appraisal value not to exceed \$40 per head for grade animals and \$90 per head for purebred animals.

(b) Affected animals, bloodline animals, and exposed animals shall be destroyed on the premises where held, pastured or penned at the time of appraisal and shall not be processed for human food. The animals designated for destruction shall be disposed of by burial or incineration.

(c) The destruction and disposition of animals destroyed in accordance with this Part shall be supervised by a Veterinary Services or State representative who shall prepare and transmit to the Deputy Administrator, Veterinary Services, a report identifying the animals and showing the disposition thereof.

4. In § 54.8, paragraphs (a) and (b) would be amended to read:

§ 54.8 Payments to owners for animals destroyed.

(a) Owners of affected animals, bloodline animals, and/or exposed animals destroyed in accordance with this Part shall be paid an indemnity not to exceed 50 percent of the appraisal value of each animal so destroyed.

(b) The Federal indemnity shall be limited to \$40 per head for grade animals and \$90 per head for purebred animals.

Any person who wishes to submit written data, views or arguments concerning these proposed amendments may do so by filing them with the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, Maryland 20782, before July 21, 1975.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 870, Hyattsville, Maryland, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the FEDERAL REGISTER.

Done at Washington, D.C., this 13th day of June 1975.

PIERRE A. CHALOUX,
Acting Deputy Administrator,
Veterinary Services, Animal
and Plant Health Inspection
Service.

[FR Doc. 75-15994 Filed 6-18-75; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1020]

[Docket No. 75N-0046]

DIAGNOSTIC X-RAY EQUIPMENT

Radiation Safety Performance Standards; Advance Notice of Proposed Rulemaking

The Food and Drug Administration, under authority conferred by the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (Pub. L. 90-602 (42 U.S.C. 263b et seq.)), administers an electronic product radiation control program to protect the public health and safety. This authority provides for the development and administration of radiation safety performance standards for electronic products.

The Commissioner of Food and Drugs is considering amending Subchapter J of Title 21 of the Code of Federal Regulations by changing the performance standard for diagnostic x-ray equipment (21 CFR 1020.30 et seq.). This advance notice of proposed rulemaking is being issued pursuant to the Food and Drug Administration policy of early public disclosure of rulemaking activities and to solicit comments from interested persons concerning the subject matter of the proposed amendments.

Amendments to the performance standard for diagnostic x-ray equipment are under consideration in the following areas:

1. *For dental x-ray equipment.* (a) A change in the requirements on leakage radiation from the diagnostic source assembly. Since dental x-ray equipment is used at short source-to-skin distances (SSDs) and is frequently installed in confined quarters, consideration is being given to establishing a leakage radiation limit on source assemblies of such systems applicable at the minimum SSD at which the systems are used.

(b) Additional requirements on x-ray beam quality in order to reduce patient dose and to improve the quality of dental radiographs. Two means of accomplishing this result are by (1) specification of minimum peak x-ray tube potential (kVp) and/or (2) by additional specifications on the x-ray spectrum.

(c) A requirement concerning open-ended, shielded position-indicating devices (PID's). Consideration of this subject has been initiated principally because of inquiries made to the Bureau of Radiological Health on the advisability of using such devices. The Bureau is currently assessing the effect of such devices on possible x-ray exposure reduction during typical dental x-ray procedures.

(d) A requirement concerning exposure control location. Such a requirement would allow reduction in operator exposure by allowing operation of the equipment from a specified minimum distance from the x-ray source.

2. *For all x-ray equipment.* (a) Requirements on film-screen combinations, primarily to require manufacturers to supply information sufficient to allow users to match screen emission characteristics to film sensitivity characteristics. This could result in reduced patient exposure because of a more efficient use of the radiation incident on the film-screen combination. Also under consideration are performance requirements for film cassettes to insure proper film-screen contact.

(b) Specification by the manufacturer of the x-ray tube focal spot size including a description of the manner in which it was determined. Prescribed procedures for focal spot size determination could be included in the amendment.

Interested persons are invited to participate in the development of the proposed amendments by submitting written data, views, or arguments concerning the subject matter of the amendments, or related topics suggested for inclusion in the amendments. Comments concerning the proposed amendments should be sent (preferably in quintuplicate) to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD, 20852. Comments submitted before August 1, 1975, will be considered by the Commissioner in formulating the proposed amendments and will be reviewed, prior to publication in the FEDERAL REGISTER as notices of proposed rulemaking, at the next meeting of the Technical Electronic Product Radiation Safety Standards Committee scheduled for September 17 to 18, 1975. The Committee, a permanent statutory advisory committee to the Secretary, Department of Health, Education, and Welfare, must be consulted prior to establishment of standards under the Radiation Control for Health and Safety Act of 1968. Comments received after August 1, 1975, may be considered, depending on the stage of development of the amendments at the time such comments are received.

When a determination is made on the content of the proposed amendments, they will be published as notices of proposed rulemaking with opportunity given for public comment.

Information and comments are specifically invited relative to the following topics:

1. The desirability and technical feasibility of the proposed amendments described above.

2. Recommended performance requirements to be included in the proposed amendments, including attendant methods and conditions of measurement.

3. Suggestions and supporting data for other amendments to the performance standard for diagnostic x-ray equipment.

4. The possible environmental impact of this action, including factors such as radiation exposure reduction and economic consequences in relation to expected benefits (cost-benefit relationship).

In addition to general comments and recommendations, respondents are en-

couraged to include suggested text for provisions of the proposed amendments that reflects their recommended performance requirements. A statement of rationale should accompany any such proposed text.

Information submitted in response to this advance notice will be available for public inspection in the office of the Hearing Clerk.

Individuals or organizations wishing to receive copies of draft amendments or related documents distributed for review during the development of these amendments, may have their names placed on the mailing list by writing to:

Division of Compliance, HFX-440
Bureau of Radiological Health
Food and Drug Administration
5600 Fishers Lane
Rockville, MD 20852

This notice is issued under the authority of provisions of the Public Health Service Act as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177-1179 (42 U.S.C. 263f)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 12, 1975.

SAM D. FINE,
Associate Commissioner for
Compliance.

[FR Doc. 75-15944 Filed 6-18-75; 8:45 am]

[21 CFR Part 1040]

[Docket No. 75N-0047]

SUNLAMPS

Radiation Safety Performance Standards; Advance Notice of Proposed Rule Making

The Food and Drug Administration, under the authority conferred by the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (Pub. L. 90-602 (42 U.S.C. 263b et seq.)), administers an electronic product radiation control program to protect the public health and safety. This authority provides for the development and administration of radiation safety performance standards for electronic products.

The Commissioner of Food and Drugs is considering amending Title 21 of the Code of Federal Regulations by adding to Subchapter J a new § 1040.20 prescribing a performance standard for sunlamps. The standard would apply to products intended for irradiation of any part of the living human body by light of wavelength in air less than 320 nanometers to induce skin "tanning" or other cosmetic, therapeutic, or other effect, without the control or supervision of a physician or licensed physical therapist. This advance notice of proposed rulemaking is being issued pursuant to the Food and Drug Administration policy of early public disclosure of rulemaking activities and to solicit comments from interested persons concerning the subject matter of the proposed standard.

The Technical Electronic Product Radiation Safety Standards Committee, during its public meeting on September 18 and 19, 1974, was consulted on the concepts of a possible radiation safety performance standard for sunlamps and certain medical ultraviolet lamps. The Committee, a permanent statutory advisory committee to the Secretary of Health, Education, and Welfare, must be consulted prior to the establishment of standards under the Radiation Control for Health and Safety Act of 1968. The Committee expressed support of the efforts of the Bureau of Radiological Health in this area, and suggested that the Bureau continue work leading to a possible performance standard. When a determination is made on the content of the proposed standard, it will be published as a notice of proposed rulemaking with opportunity given for public comment.

Interested persons are invited to participate in the development of the proposed standard by submitting written data, views, or arguments concerning the subject matter of the standard or related topics suggested for inclusion in the standard. Comments concerning the proposed standard should be sent (preferably in quintuplicate) to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852. Comments submitted before August 1, 1975, will be considered by the Commissioner in formulating the proposed standard and will be reviewed, prior to publication in the *FEDERAL REGISTER* as a notice of proposed rulemaking, at the next meeting of the Committee, scheduled for September 17 to 18, 1975. Comments received after this date may be considered depending on the stage of development of the standard at the time such comments are received. Information submitted in response to this advance notice will be available for public inspection in the office of the Hearing Clerk.

Information and comments are specifically invited relative to the following topics:

1. The appropriate class of products to which a sunlamp standard should be applicable.
2. The types of radiation safety performance requirements which would be appropriate for this type of equipment; e.g., emission or exposure level requirements; interlocks; indication of output irradiance; means of controlling minimum source-to-skin distance, dependent on output power and exposure time; means of controlling exposure time; etc.
3. Appropriate emission levels (spectral irradiance at a specified distance), including methods and conditions of measurement.
4. Feasibility of requiring nonconventional lamp bases to prevent operation of these lamps in sockets commonly available in households.

5. Health risk as a function of exposure rate, exposure duration, and wavelength of radiation.

6. Appropriate radiation safety warning labels, and user and service instructions.

7. The possible environmental impact of this action, including factors such as reduction in radiation exposure injuries, economic consequences in relation to expected benefits (cost-benefit relationship), and possible alternate actions to a performance standard.

In addition to general comments and recommendations, respondents are encouraged to specify the text for provisions of the proposed standard that reflects their recommended performance requirements. A statement of rationale should accompany any such proposed text.

Individuals or organizations wishing to receive copies of draft standards or related documents distributed for review during the development of this standard may have their names placed on the mailing list by writing to:

Division of Compliance, HFX-440
Bureau of Radiological Health
Food and Drug Administration
5600 Fishers Lane
Rockville, MD 20852

This notice is issued under the authority of provisions of the Public Health Service Act as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177-1179 (42 U.S.C. 263f)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 12, 1975.

SAM D. FINE,
Associate Commissioner for
Compliance.

[FR Doc.75-15946 Filed 6-18-75;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 154, 201, 260]

[Docket Nos. R-411, RM74-4]

ADVANCE PAYMENT PROGRAM FOR GAS EXPLORATION, DEVELOPMENT AND PRODUCTION

Extension of Time

JUNE 12, 1975.

On June 9, 1975, Natural Gas Pipeline Company of America filed a motion to extend the date for filing the questionnaire required by order issued April 28, 1975, (May 5, 1975, 40 FR 19532), in the above-designated matter.

Upon consideration, notice is hereby given that the date for filing the above questionnaire is extended to and including June 23, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-16030 Filed 6-18-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Hearing Regarding Proposed Definition of Small Petroleum Refiner

On March 17, 1975, there was published in the *FEDERAL REGISTER* (40 FR 12125) a notice that the Small Business Administration proposed to increase the small business size standards (definition of small business) for petroleum refiners for the purpose of bidding on Government procurements, sales of Government property, and obtaining an SBA loan. Interested parties were given 30 days to comment on such proposal.

In order that concerns might have time to study the views of others and to submit supplementary comment, SBA extended the time for submitting statements until June 1, 1975 (40 FR 20110). However, because of the complexities of the issues involved, the great interest expressed in the definition and widely differing views, SBA has determined that it would be in the public interest to hold a public hearing.

The hearing will be held at 9 a.m. on Monday, August 4, 1975, in Room 214 of the Small Business Administration Central Office (1441 L Street NW., Washington, D.C.).

In order that proper arrangements can be made for the hearing, it is requested that by July 1, 1975, all parties who will attend the hearing notify Mr. William L. Pellington, Director, Size Standards Division, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

It is to be noted that SBA's industry hearings are factfinding in nature and are not adversary proceedings. Therefore, in accordance with our usual procedures, each interested party will be given a reasonable time to present his or her position. The right to cross-examination of witnesses will not be permitted. However, relevant questions (to be decided by the Chair) may be submitted through the Chairman, who then will direct such questions to the appropriate parties. Members of the panel may also ask questions from time to time.

A stenographic record will be made of the proceedings and copies thereof may be purchased by making arrangements with the contract stenographer. Copies also will be available for review at no charge in the Dallas Regional Office, Los Angeles District Office, and Washington, D.C., Central Office of the Small Business Administration.

Dated: June 11, 1975.

(Catalog of Federal Domestic Assistance Program No. 59.002, Economic Injury Disaster Loans; 59.009, Procurement Assistance to Small Businesses; and 59.012, Small Business Loans.)

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-15935 Filed 6-18-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order No. 219-1
(Rev. 1)]

DEPUTY ASSISTANT SECRETARY (ENFORCEMENT, OPERATIONS AND TARIFF AFFAIRS)

Delegation of Authority to Decide Appeals

By virtue of the authority vested in me by the Treasury Department regulations on access to records under 5 U.S.C. 552, as amended, (31 CFR Part 1, Subpart A; 40 FR 7439) and Treasury Department Order No. 190, Revision 10 (40 FR 2216), the authority of the Assistant Secretary (Enforcement, Operations, and Tariff Affairs) to make determinations on any appeal under 31 CFR 1.5(h) with respect to any record is hereby delegated to the Deputy Assistant Secretary (Enforcement, Operations, and Tariff Affairs), the Deputy Assistant Secretary (Enforcement), and the Deputy Assistant Secretary (Tariff Affairs).

Dated June 6, 1975.

[SEAL] DAVID R. MACDONALD,
Assistant Secretary (Enforcement, Operations, and Tariff Affairs).

[FR Doc.75-15953 Filed 6-18-75; 8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

SCIENTIFIC ADVISORY BOARD MEETING

JUNE 16, 1975.

The Air Force Systems Command Science and Technology Advisory Group will hold a meeting on July 9, 1975 from 9 a.m. to 4:30 p.m. at the Air Force Avionics Laboratory, Commanders Conference Room, Area B, Building 22, Wright-Patterson AFB, Ohio.

The meeting will be closed to the public in accordance with Title 5, U.S.C. 552 (b) (1), (4), and (5). The Group will hold classified discussions on the military development programs of the newly-formed Air Force Wright Aeronautical Laboratories.

For further information contact the Scientific Advisory Board Secretariat at 202-697-4648.

JAMES L. ELMER,
Major, USAF, Executive
Directorate of Administration.

[FR Doc.75-15987 Filed 6-18-75; 8:45 am]

Office of the Secretary

DEFENSE ADVISORY COMMITTEE ON WOMEN IN THE SERVICES

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Executive Committee of the Defense Advisory Committee on Women in the Services (DACOWITS) will be held July 18, 1975, at the Pentagon. The session will be conducted from 9 am to 4 pm and will be open to the public.

The purpose of this meeting is to plan the program for the semi-annual meeting of the full Committee, tentatively scheduled for October 5-9, 1975. Composed of 30 civilian women, DACOWITS provides the Department of Defense with assistance and advice on matters relating to women in the Armed Forces.

Persons desiring to make oral presentations or submit written statements for consideration at the Executive Committee meeting must contact Lieutenant Colonel Martha A. Cox, DACOWITS Executive Secretary, OASD (Manpower and Reserve Affairs), Room 2B257, The Pentagon, Washington, D.C. 20301, telephone (202) Oxford 5-5153 no later than July 11, 1975.

MAURICE W. ROCHE,
Director, Correspondence and
Directives OASD (Comptroller).

JUNE 16, 1975.

[FR Doc.75-15960 Filed 6-18-75; 8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 75-7]

SHELDON WAGNER, D.P.M.,
LAKE WORTH, FLORIDA

Hearing

Notice is hereby given that on March 21, 1975, the Drug Enforcement Administration, Department of Justice, issued to Sheldon Wagner, D.P.M., Lake Worth, Florida, an Order to Show Cause as to why the Drug Enforcement Administration should not deny the application for registration under the Controlled Substances Act of 1970, of the respondent executed on August 29, 1974, pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823).

Thirty days having elapsed since said order was received by the respondent, and written request for a hearing having

been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10 a.m., on July 17, 1975, in the U.S. Magistrate's Hearing Room, 2d Floor, U.S. Courthouse, Lee & Church Streets, Montgomery, Alabama.

Dated: June 13, 1975.

HENRY S. DOGIN,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.75-15986 Filed 6-18-75; 8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 24896]

NEW MEXICO

Application

JUNE 12, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gas Company has applied for one 4 inch and 6 inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 21 S., R. 26 E.,
Sec. 5, Lots 10, 14, 15, E $\frac{1}{2}$ SW $\frac{1}{4}$ and
NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 9, SW $\frac{1}{4}$ SE $\frac{1}{4}$.

This pipeline will convey natural gas across 1.284 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands
and Minerals Operations.

[FR Doc.75-15982 Filed 6-18-75; 8:45 am]

[Wyoming 51106]

WYOMING

Application

JUNE 12, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act

of 1920, as amended (30 U.S.C. 185), Northwest Pipeline Corporation has applied for a cathodic protection station right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING
T. 21 N., R. 114 W.,
Sec. 2, lot 1.

The station will serve the applicant's existing natural gas pipeline system.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, WY 82901.

GLENN M. LANE,
*Acting Chief, Branch of Lands
and Minerals Operations.*

[FR Doc. 75-15983 Filed 6-18-75; 8:45 am]

OUTER CONTINENTAL SHELF OIL AND GAS LEASING

Proposed OCS Planning Schedule

Pursuant to the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. 1331-1343 (1970) and the regulations issued thereunder (43 CFR 3301.2), an Outer Continental Shelf (OCS) proposed

four-year oil and gas lease sale planning schedule is hereby announced by the Bureau of Land Management.

The proposed schedule updates and revises the proposed schedule issued in November 1974 and again provides for twenty-four sales through 1978. However, some locational shifts have been made. Six sales are proposed for the Gulf of Mexico, an increase from the four sales previously proposed. Three sales are proposed for the Pacific coast, a decrease from the five previously proposed. The same number of sales are again proposed for Alaska (nine sales) and for the Atlantic coast (six sales).

Prior to holding any sale shown on the proposed planning schedule, the area is subjected to detailed study and analysis including: (1) Requesting reports from interested Federal agencies, (2) conducting environmental baseline studies, (3) call for nominations and comments from industry and all other interested groups and individuals, (4) acceptance of nominations and comments, (5) tentative selection of tracts for further environmental analysis, (6) preparation of Draft Environmental Impact Statement, (7) holding of a public hearing, (8) preparation of Final Environmental Impact Statement and submission to the Council on Environmental Quality, (9) preparation of Program Decision Option Document for use by the Secretary in decid-

ing whether or not to hold the sale, (10) presale evaluation of tracts, and (11) publication of notice of sale in the FEDERAL REGISTER. All sales included in the schedule are subject to rescheduling or elimination. Holding the Cook Inlet sale is dependent on the final resolution of litigation regarding jurisdiction over this area or completion of a satisfactory interim agreement between the U.S. and the State of Alaska.

Copies of the proposed OCS planning schedule may be obtained from (1) the Director, Bureau of Land Management (Attn: 130), Washington, D.C. 20240, (2) the Manager, Atlantic OCS Office, Bureau of Land Management, 6 World Trade Center, New York, New York 10007, (3) the Manager, Alaska OCS Office, P.O. Box 1159, Anchorage, Alaska 99510, (4) the Manager, New Orleans OCS Office, Bureau of Land Management, 1001 Howard Avenue, New Orleans, Louisiana 70113, or from (5) the Manager, Pacific OCS Office, Bureau of Land Management, 300 North Los Angeles Street, Los Angeles, California 90012.

CURT BERKLUND,
*Director,
Bureau of Land Management.*

Approved: June 12, 1975.

KENT FRIZZELL,
*Acting Under Secretary of the
Interior.*

NOTICES

* PROPOSED CCS PLANNING SCHEDULE

JUNE 1975
REVISED NOVEMBER 1974 SCHEDULED

[illegible]

Baseline studies scheduled are contingent upon schedule permitting and equipment being available to perform the studies.

Many new materials now technology being available for the design and development of a device suitable to hold any of the above values. The device will not be made until completion of all necessary studies of the device's environmental impact and the holding of public hearings. It is the responsibility of the environmental, technical, and economic studies employed in the device-making process, a decision, may, in fact, be made to hold any value on this attitude.



Ernst Tarkenton.

Director,
Bureau of Land Management

UFR Doc.75-15029 Filed 6-18-75; 8:45 am]

**National Park Service
CUYAHOGA VALLEY NATIONAL
RECREATION AREA**

Establishment

Whereas, to protect and preserve for public use and enjoyment, the historic, scenic, natural and recreational values of the Cuyahoga River and the adjacent lands of the Cuyahoga Valley and for the purposes of providing for the maintenance of needed recreational open space necessary to the urban environment, I, Gary Everhardt, Director, National Park Service, hereby give notice of establishment of Cuyahoga Valley National Recreation Area, such establishment to become effective on June 26, 1975.

The boundaries of the National Recreation Area, which encompass an area generally identical to that described in section (2) (a) of the Act of December 27, 1974, (88 Stat. 1784), are located in Cuyahoga and Summit Counties, Ohio, and are more particularly identified on the map entitled "Boundary Map, Cuyahoga Valley National Recreation Area, Ohio," numbered NRA-CUYA-20,000-A and dated December 19, 1974.

Dated: June 10, 1975.

**GARY EVERHARDT,
Director,
National Park Service.**

[FR Doc.75-15938 Filed 6-18-75; 8:45 am]

Michigan, 6 counties—1974

County	Cold wet spring	Excessive rainfall	Drought	Frost and/or freeze	Cool summer
Alcona	May 1 to June 21	July 3 and 4	July 5 to Aug. 10	Sept. 22 and 23	
Genesee	May 5 to June 21	do	do	do	July 5 to Aug. 10
Gladwin	June 6 to July 31	Aug. 1 to 31	do	do	
Lapeer	May 5 to June 21	July 5 to Aug. 10	do	do	
Montmorency	May 1 to June 21	July 3 and 4	do	do	
Ogemaw	May 5 to June 21	do	do	do	

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor William G. Milliken that such designation be made.

Applications for Emergency loans must be received by this Department no later than August 4, 1975, for physical losses and March 8, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

**DEPARTMENT OF AGRICULTURE
Agricultural Marketing Service
SHIPPERS ADVISORY COMMITTEE
MEETING**

Cancellation of Meeting

The June 24, 1975, meeting of the Shippers Advisory Committee, announced in the June 5, 1975, issue of the FEDERAL REGISTER (40 FR 24223), is canceled. The Committee is established under Marketing Order No. 905 (7 CFR Part 905), which regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. This regulatory program is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). At its meeting of June 10, 1975, the Committee recommended regulations it deemed appropriate to current and anticipated demand conditions for the balance of the season, and requested that the meeting scheduled for June 24 be canceled.

Dated: June 17, 1975.

**JOHN C. BLUM
Associate Administrator.**

[FR Doc.75-16197 Filed 6-18-75; 12:08 pm]

**Farmers Home Administration
(Notice of Designation Number A236)**

MICHIGAN

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in certain counties in Michigan as a result of various adverse weather conditions. The following chart shows the counties, natural disasters, and dates on which the disasters occurred:

Done at Washington, D.C., this 13th day of June 1975.

**FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.**

[FR Doc.75-15959 Filed 6-18-75; 8:45 am]

Forest Service

**GRAND MESA-UNCOMPAHGRE NATIONAL
FOREST MIGUEL DISTRICT ADVISORY
BOARD**

Meeting

The Miguel District Grazing Advisory Board will hold a business meeting in conjunction with a ride as hosts of the South Beaver C&H Pool of Gunnison, Colorado. The meeting will be held at 7 p.m., July 22, 1975, at the Pool cow camp on the South Beaver allotment.

The purpose of this meeting is for the election of officers for the Miguel District Grazing Advisory Board and to look at some range management and rotation which is being practiced in this area.

The meeting will be open to the public. Persons who wish to attend should notify Range Technician Thomas Weldon, 101 North Uncompahgre, P.O. 1047, Montrose, Colorado 81401. Telephone number 249-3711. Written statements may be filed with the committee before or after the meeting.

**JIMMY R. WILKINS,
Forest Supervisor.**

JUNE 12, 1975.

[FR Doc.75-15973 Filed 6-18-75; 8:45 am]

**PROPOSED TIMBER MANAGEMENT PLAN
PAYETTE NATIONAL FOREST**

**Availability of Draft Environmental
Statement**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the proposed Timber Management Plan, Payette National Forest, Idaho. The Forest Service report number is USDA-FS-DES (Adm) R4-75-18.

The purpose of this environmental statement is to evaluate the overall effect of implementation of the timber management plan on the environment, society, and the economy. Alternative courses of action are presented.

Basically, the timber management plan establishes the level of harvest for the Forest and allocates this harvest to individual areas on the Ranger Districts.

This draft environmental statement was transmitted to CEQ on June 13, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. and Independence Ave., SW,
Washington, D.C. 20250

Forest Supervisor
Payette National Forest
Forest Service Building
P.O. Box 1026
McCall, Idaho 83638
Regional Planning Office
USDA, Forest Service
Federal Building, Room 4403
Ogden, Utah 84401

A limited number of single copies are available upon request to Forest Supervisor William B. Sendt, Payette National Forest, Forest Service Building, P.O. Box 1026, McCall, Idaho 83638.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which

comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor William B. Sendt, Payette National Forest, Forest Service Building, P.O. Box 1026, McCall, Idaho 83638. Comments must be received by August 12, 1975, in order to be considered in the preparation of the final environmental statement.

Dated: June 13, 1975.

DONALD A. SCHULTZ,
Acting Director,
Regional Planning and Budget.

[FR Doc.75-15974 Filed 6-18-75;8:45 am]

Soil Conservation Service

DEER CREEK WATERSHED PROJECT, IOWA

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and § 650.7(e) of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Deer Creek Watershed Project, Worth County, Iowa, USDA-SCS-EIS-WS-(ADM)-75-2-(P)-IA.

The EIS concerns a plan for watershed protection and flood prevention. The planned works of improvement provide for conservation land treatment, approximately 15 miles of channel work, and 40 miles of subsurface public tile drains.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 823 Federal Building, Des Moines, Iowa 50309

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: June 12, 1975.

JOSEPH W. HAAS,
Acting Deputy Administrator
for Water Resources, Soil
Conservation Service.

[FR Doc.75-15931 Filed 6-18-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

ARIZONA STATE UNIVERSITY AND BATTTELLE MEMORIAL INSTITUTE

Consolidated Decision on Applications for Duty-Free Entry of Accessories for Foreign Instruments

The following is a consolidated decision on applications for duty-free entry of accessories for foreign instruments

pursuant to section 6(c) of the Educational Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1974). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00404-00-46040. Applicant: Arizona State University, Tempe, Arizona 85281. Article: Heating Stage for JEM 100B, Electron Microscope, Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies of small crystals and thin films of inorganic compounds (mostly oxides) and alloys as a function of temperature. High resolution electron microscopy of the specimens will allow the study of the changes in the arrangements of atoms related to structural transformation. Application received by Commissioner of Customs: March 4, 1975. Advice submitted by the National Bureau of Standards on: May 23, 1975.

Docket Number: 75-00449-00-46040. Applicant: Battelle Memorial Institute, Pacific Northwest Laboratory, P.O. Box 999, Richland, WA 99352. Article: High Angle Specimen Tilting Device, Model HK-5. Manufacturer: Hitachi Co., Japan. Intended use of article: The article is an accessory to an existing electron microscope of the same manufacture needed to provide high angle tilting of the specimen during the course of observation in the microscope. Studies on the material imperfections in materials produced by radiation are to be conducted. A wide variety of metallic materials, including, but not limited to, molybdenum, niobium, vanadium, nickel, iron and iron base alloys, aluminum, and stainless steel will be analyzed. Application received by Commissioner of Customs: March 24, 1975. Advice submitted by the National Bureau of Standards on: May 28, 1975.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States. Reasons: The applications relate to compatible accessories for instruments that have been previously imported for the use of the applicant institutions. The articles are being manufactured by the manufacturers which produced the instruments with which they are intended to be used. We are advised by the National Bureau of Standards (NBS) in the respectively cited memoranda that the accessories are pertinent to the applicants' intended uses and that it knows of no comparable domestic articles.

The Department of Commerce knows of no similar accessories manufactured in the United States which are interchangeable with or can be readily adapted to the instruments with which the foreign articles are intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.108, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,

Special Import Programs Division.

[FR Doc.75-15968 Filed 6-18-75;8:45 am]

UNIVERSITY OF MARYLAND SCHOOL OF MEDICINE ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR Part 701, 1974).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Section 301.8 of the regulations provides in pertinent part:

The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90 day period . . . If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of § 301.11.

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20 day period, or fails to resubmit a new application within the 90 day period, the prior denial without prejudice to resub-

mission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 301.8 further provides:

* * * the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket Number: 74-00515-33-46070. Applicant: University of Maryland School of Medicine, Department of Neurology, 660 West Redwood Street, Baltimore, Maryland 21201. Article: Scanning Electron Microscope, Model S4-10. Date of denial without prejudice to resubmission: February 24, 1975.

Docket Number: 75-00117-33-46500. Applicant: United States Army Medical Laboratory, Building 2490, Wilson Street, Fort Meade, Maryland 20755. Article: Ultramicrotome, Model, LKB 8800A and Accessories. Date of denial without prejudice to resubmission: February 7, 1975.

Docket Number: 75-00148-56-17500. Applicant: University of Washington, Department of Oceanography WB-10, Seattle, WA 98195. Article: Three (3) Recording Current Meters, Model No. 4. Date of denial without prejudice to resubmission: February 24, 1975.

Docket Number: 75-00157-56-17500. Applicant: University of Washington, Department of Oceanography WB-10, Seattle, Washington 98195. Article: Four (4) Recording Current Meters, Model No. 4. Date of denial without prejudice to resubmission: February 24, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import
Programs Division.

[PR Doc. 75-15969 Filed 6-18-75; 8:45 am]

National Bureau of Standards METRIC SYSTEM OF WEIGHTS AND MEASURES

Guidelines for Use

Section 403 of Pub. L. 93-380 states the policy of the United States to encourage educational agencies and institutions to

prepare students to use the metric system of measurement as part of the regular education program and authorizes the U.S. Commissioner of Education to carry out a program of grants and contracts to fulfill this policy. Subsection 403 (a) (3) states, "For the purposes of this section, the term 'metric system of measurement' means the International System of Units as established by the General Conference of Weights and Measures in 1960 and interpreted or modified for the United States by the Secretary of Commerce." The National Bureau of Standards is responsible for "the custody, maintenance, and development of the national standards of measurement" (15 U.S.C. 272), and the Secretary has designated NBS to implement his responsibilities under subsection 403(a) (3). Pursuant to his authority under section 403, the U.S. Commissioner of Education has requested that NBS publish guidelines for use of the International System of Units, as interpreted and modified for the United States. Accordingly, and in implementation of the Secretary's responsibilities under subsection 403(a) (3), the following tables and associated materials set forth guidelines for use of the International System of Units (hereinafter "SI"), as interpreted and modified for the United States by NBS on behalf of the Secretary of Commerce.

The SI is constructed from seven base units for independent quantities plus two supplementary units for plane angle and solid angle, listed in Table 1.

TABLE 1

Quantity	Name	Symbol
SI BASE UNITS		
length.....	metre (meter) ^{1,2}	m
mass ³	kilogram.....	kg
time.....	second.....	s
electric current.....	ampere.....	A
thermodynamic temperature.....	kelvin.....	K
amount of substance.....	mole.....	mol
luminous intensity.....	candela.....	cd
SI SUPPLEMENTARY UNITS		
plane angle.....	radian.....	rad
solid angle.....	steradian.....	sr

¹ Both spellings are acceptable.

² "Weight" is the commonly used term for "mass."

³ It is acceptable to use the Celsius temperature (symbol t) defined by $t = T - T_0$ where T is the thermodynamic temperature, expressed in kelvins, and $T_0 = 273.15$ K by definition. The unit "degree Celsius" is thus equal to the unit "kelvin" when used as an interval or difference of temperature. Celsius temperature is expressed in degrees Celsius (symbol $^{\circ}\text{C}$).

Units for all other quantities are derived from these nine units. In Table 2 are listed 17 SI derived units with special names which were derived from the base and supplementary units in a coherent manner, which means in brief, that they are expressed as products and ratios of the nine base and supplementary units without numerical factors.

TABLE 2.—SI derived units with special names

Quantity	SI unit		Expression in terms of other units
	Name	Symbol	
frequency.....	hertz.....	Hz	s^{-1}
force.....	newton.....	N	$\text{m}\cdot\text{kg}/\text{s}^2$
pressure, stress.....	pascal.....	Pa	N/m^2
energy, work.....	joule.....	J	$\text{N}\cdot\text{m}$
quantity of heat, power, radiant flux.....	watt.....	W	J/s
quantity of electricity, electric charge.....	coulomb.....	C	$\text{A}\cdot\text{s}$
electric potential, potential difference, electromotive force.....	volt.....	V	W/A
capacitance.....	farad.....	F	C/V
electric resistance.....	ohm.....	Ω	V/A
conductance.....	siemens.....	S	A/V
magnetic flux.....	weber.....	Wb	$\text{V}\cdot\text{s}$
magnetic flux density.....	tesla.....	T	Wb/m^2
inductance.....	henry.....	H	Wb/A
luminous flux.....	lumen.....	lm	$\text{cd}\cdot\text{sr}$
illuminance.....	lux.....	lx	lm/m^2
activity (radioactive).....	becquerel.....	Bq	s^{-1}
absorbed dose.....	gray.....	Gy	J/kg

All other SI derived units, such as those in tables 3 and 4, are similarly derived in a coherent manner from the 26 base, supplementary, and special-name SI units.

TABLE 3.—Examples of SI derived units, expressed in terms of base units

Quantity	SI unit	Unit symbol
area.....	square metre.....	m^2
volume.....	cubic metre.....	m^3
speed, velocity.....	metre per second.....	m/s
acceleration.....	metre per second squared.....	m/s^2
wave number.....	1 per metre.....	m^{-1}
density, mass.....	kilogram per cubic metre.....	kg/m^3
density.....	metre.....	
current density.....	ampere per square metre.....	A/m^2
magnetic field strength.....	ampere per metre.....	A/m
concentration (of amount of substance).....	mole per cubic metre.....	mol/m^3
specific volume.....	cubic metre per kilogram.....	m^3/kg
luminance.....	candela per square metre.....	cd/m^2

TABLE 4.—Examples of SI derived units expressed by means of special names

Quantity	Name	Unit symbol
dynamic viscosity.....	pascal second.....	$\text{Pa}\cdot\text{s}$
moment of force.....	metre newton.....	$\text{N}\cdot\text{m}$
surface tension.....	newton per metre.....	N/m
heat flux density.....	watt per square metre.....	W/m^2
irradiance.....	metre.....	
heat capacity, entropy.....	joule per kelvin.....	J/K
specific heat capacity, specific entropy.....	joule per kilogram kelvin.....	$\text{J}/(\text{kg}\cdot\text{K})$
specific energy.....	joule per kilogram.....	J/kg
thermal conductivity.....	watt per metre kelvin.....	$\text{W}/(\text{m}\cdot\text{K})$
energy density.....	joule per cubic metre.....	J/m^3
electric field strength.....	volt per metre.....	V/m
electric charge density.....	coulomb per cubic metre.....	C/m^3
electric flux density.....	coulomb per square metre.....	C/m^2
permittivity.....	farad per metre.....	F/m
permeability.....	henry per metre.....	H/m
molar energy.....	joule per mole.....	J/mol
molar entropy, molar heat capacity.....	joule per mole kelvin.....	$\text{J}/(\text{mol}\cdot\text{K})$

For use with the SI units there is a set of 16 prefixes (see table 5) to form multiples and submultiples of these units.

TABLE 5.—SI prefixes

Factor	Prefix	Symbol
10^{18}	exa	E
10^{15}	peta	P
10^{12}	tera	T
10^9	giga	G
10^6	mega	M
10^3	kilo	k
10^2	hecto	h
10^1	deka	da
10^{-1}	deci	d
10^{-2}	centi	c
10^{-3}	milli	m
10^{-6}	micro	μ
10^{-9}	nano	n
10^{-12}	pico	p
10^{-15}	femto	f
10^{-18}	atto	a

Certain units which are not part of the SI are used so widely that it is impractical to abandon them. The units that are accepted for continued use in the United States with the International System are listed in table 6.

TABLE 6.—Units in use with the international system

Name	Symbol	Value in SI unit
minute	min	1 min = 60 s
hour	h	1 h = 60 min = 3 600 s
day	d	1 d = 24 h = 86 400 s
degree	°	1° = ($\pi/180$) rad
minute	'	1' = (1/60)° = ($\pi/10 800$) rad
second	"	1" = (1/3600)° = ($\pi/648 000$) rad
litre (liter)	l	1 l = 1 dm ³ = 10 ⁻³ m ³
metric ton or tonne	t	1 t = 10 ³ kg

¹ Both spellings are acceptable.

In those cases where their usage is already well established, the use, for a limited time, of the following units is accepted, subject to future review.

nautical mile	hectare	gal ¹
knot	barn	curie
sugstrom	bar	roentgen
standard atmosphere	are	rad

¹ Not gallon.

Metric units and their symbols other than those enumerated above are not part of the International System of Units. Accordingly, the following units and terms listed in the table of metric units in section 2 of the act of July 28, 1866, that legalized the metric system of weights and measures in the United States, are no longer accepted for use in the United States:

myriameter
stere
millier or tonneau
quintal
myriagram
kilo (for kilogram)

For more information regarding the International System of Units, contact the Metric Information Office, National Bureau of Standards, U.S. Department of Commerce, Washington, D.C. 20234.

Dated: June 1, 1975.

RICHARD W. ROBERTS,
Director.

[FR Doc.75-15798 Filed 6-18-75; 8:45 am]

National Oceanic and Atmospheric Administration MARINE PETROLEUM AND MINERALS ADVISORY COMMITTEE Meeting

The Marine Petroleum and Minerals Advisory Committee (the "Committee") will meet from 9 a.m. until 4:30 p.m. on July 22, 1975 and from 9 a.m. until 12:00 noon on July 23, 1975 in Room 6802 of the Department of Commerce Building, 14th Street between E and Constitution Avenue, NW., Washington, D.C.

The meeting will be open for public observation and approximately 35 seats will be available for the public on a first-come, first-served basis. To facilitate public access, because of recently instituted building security procedures, the public is requested to notify the Executive Secretary, Amor L. Lane, National Oceanic and Atmospheric Administration (MR3), 6010 Executive Boulevard, Rockville, Maryland 20852 (telephone 301-496-8323) of their attendance plans by 4:30 p.m. on July 18, 1975. However, advanced notification is not required.

The Committee was established to advise the Secretary of Commerce on matters pertinent to the Department of Commerce's responsibilities related to marine petroleum and marine minerals resources, on means to facilitate cooperation between the private sectors and government in these matters, and on related Law of the Sea affairs. The members represent the industrial, labor, academic, legal, environmental, and economic sectors concerned with the management, use, conservation, and development of marine petroleum and marine minerals resources.

Included in the matters for consideration, and the approximate times for their consideration, are as follows:

JULY 22, 1975

9—Welcoming Remarks, Announcements, and Chairman's Report on Actions Taken with Respect to the Committee's March Recommendations.

9:15—Debriefing on the Geneva Law of the Sea Conference—Government Viewpoint—Private Sector Viewpoint.

10—Coffee Break.

10:15—Report of the Working Group on International Ocean Investment Conditions, Discussion, and Proposed Committee Actions.

12—Recess for Lunch.

1:30—Report of the Working Group on Impacts of Offshore Oil and Gas Development, Discussion, and Proposed Committee Actions.

4:30—Adjourn for the Day.

JULY 23, 1975

9—Opening Remarks and Announcements.
9:05—Report on the Deep Ocean Mining Environmental Study (DOMES)—Introduction—DOMES Plans and Accomplishments—Discussions.

10:15—Coffee Break.

10:30—Topics Suggested by Members.

11:15—Plans for Next Committee Meeting.

12—Adjourn.

Interested persons may submit written statements relevant to the Committee's areas of interest before or after the meeting or by mailing such statements to the Executive Secretary at the address above.

Inquiries regarding the Committee or the meeting may be directed to the Executive Secretary at the address or telephone number given above.

Dated June 10, 1975.

RICHARD HAGEMEYER,
Acting Assistant Administrator
for Administration, National
Oceanic and Atmospheric
Administration.

[FR Doc.75-16143 Filed 6-17-75; 4:17 pm]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Assistant Secretary for Health
PRESIDENT'S BIOMEDICAL RESEARCH
— PANEL

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the President's Biomedical Research Panel on July 28 and 29, 1975, in the conference room of the Panel's offices, 2401 E Street, NW., Suite 3100, Washington, D.C. 20506.

The meeting will be open to the public from 10 a.m. to 5 p.m. on July 28 and from 9 a.m. to 5 p.m. on July 29. Attendance by the public will be limited to space available. The Panel will deal with issues pertaining to the studies previously identified by the Panel as being germane to its Congressional mandate. The meeting on July 29 will be open for presentation by the public of views on research on alcohol, drug abuse, and population research.

The deadline for requests to participate in the hearing is July 7, 1975. It should be noted that this is the only hearing to hear the views of members of the public on these issues.

Any person wishing to make a presentation on alcohol, drug abuse, and/or population research must file a written request prior to the deadline and receive approval.

Requests to participate must include a detailed summary of the proposed presentation. Oral presentation shall be limited to 10 minutes for each participant.

Requests to participate should be directed to Dr. Richard T. Louttit, Staff Director, President's Biomedical Research Panel, Suite 3100, 2401 E Street NW., Washington, D.C. 20506.

All requests for information should be directed to Ms. Susan Haught, at the above address.

Dated: June 13, 1975.

C. U. LOWE,
Executive Director.

[FR Doc.75-16031 Filed 6-18-75; 8:45 am]

Office of Education

DOMESTIC MINING AND MINERAL AND MINERAL FUEL CONSERVATION FELLOWSHIPS

Final Criteria for Funding of Applications for Fiscal Year 1975

On page 14966 of the FEDERAL REGISTER of April 3, 1975 there were published proposed criteria for funding of applications for fiscal year 1975. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed criteria. Written comments were subsequently received and considered.

SUMMARY OF COMMENTS—OFFICE OF EDUCATION RESPONSE

Written comments were received by the Office of Education regarding the proposed funding criteria from one individual. A summary of each comment and the OE response is set forth below.

1. *Comment.* The commentator recommended that the national priority dealing with improving mining technology identify "underwater" mining as well as surface and underground mining.

Response. We do not believe that the proposed priority dealing with improving surface and underground mining technology excluded underwater mining. However, we wish to revise the proposed rule, as suggested by the commentator, to explicitly include this type of mining technology.

2. *Comment.* The commentator suggests that mining economics is so essential an ingredient of mining technology that it be given special program emphasis.

Response. Economic considerations are intended to be very much a part of several of the national priorities stated. "Improving technology," "discovering secondary uses," "improved efficiency," and "increased utilization" are all descriptive phrases used in the priorities. Each of these terms suggests a very definite economic dimension.

Effective Date. The notice of proposed rule making was transmitted to Congress on March 31, 1975 pursuant to section 431(d) of the General Education Provisions Act, (20 U.S.C. 1232(d)). The time period set forth therein for congressional action has expired without such action having been taken. Since no substantive changes have been made, these criteria shall become effective June 19, 1975.

(Catalog of Federal Domestic Assistance Program: 13.567 Domestic Mining and Mineral, Mineral Fuel Conservation Fellowships)

Dated: June 4, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: June 16, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education,
and Welfare.

The criteria set forth below are hereby adopted for the purpose of making awards in FY 1975 for the Domestic Min-

ing and Mineral and Mineral Fuel Conservation Fellowship Program.

Section 961(a) (1) of Part D of Title IX of the Higher Education Act of 1965 (20 U.S.C. 1134n) authorizes a fellowship program "to assist graduate students of exceptional ability who demonstrate a financial need for advanced study in domestic mining and mineral and mineral fuel conservation including oil, gas, coal, oil shale, and uranium."

Fellowships will be allocated to institutions of higher education which are approved on the basis of the criteria set forth below. These institutions in turn will recommend eligible students to the Commissioner for his selection. Two specific types of fellowships will be allocated and awarded: fellowships for graduate or professional study leading to an advanced degree and fellowships for research incident to the presentation of a doctoral dissertation. The latter type of fellowships will be awarded to students who have completed all course work required for granting of a doctoral or equivalent degree and comprehensive examinations where appropriate, and whose doctoral dissertation proposal has been approved. An institution of higher education may apply for an allocation of either or both types of fellowships.

(a) The Commissioner will approve programs of study and allocate fellowships to such programs under Title IX, Part D of the Higher Education Act of 1965, as amended, on the basis of the following criteria:

(1) The extent to which the proposed training program is concerned with the following national priorities:

(i) Programs which are designed to improve surface, underwater, and underground mining technology and which gave due attention to mine safety and health and to the protection and restoration of the environment.

(ii) Programs to promote conservation and to develop improved secondary and tertiary recovery techniques for coal, oil, and gas.

(iii) Programs to promote mineral conservation through improved techniques and efficiency in metallic and non-metallic mineral extraction, process energy consumption, and recycling and secondary uses of metallic and non-metallic materials.

(iv) Programs to develop technologies to allow increased utilization of coal through gasification, liquefaction, and direct combustion.

(v) Programs to develop techniques to maximize the production of oil from oil shale deposits.

(vi) Programs to develop improved methods for discovery of new deposits of coal, oil, gas, oil shale, uranium, and/or alternative mineral fuel resources.

(2) The extent to which the proposed program has as a principal or significant objective the education of persons for domestic mining and mineral and mineral fuel conservation careers, and the extent to which such program is in effect and of high quality, or can readily be put into effect and may reasonably be expected to be of high quality.

(3) The extent to which it is demonstrated that the proposed program will achieve its objectives.

(4) The extent to which relevant supervised practicum, internship, or field research experiences are integrated into the proposed program of training.

(5) The extent to which the background, education, research interests, and experience of the faculty and administrative staff of the proposed program qualify them to plan and implement a successful program of domestic mining and mineral and mineral fuel conservation education.

(6) The extent to which the named director of the proposed program has clear responsibilities and time to devote to the program.

(7) The extent to which other institutional resources (such as facilities, equipment, libraries, etc.) are adequate to support the proposed program.

(8) The extent to which there is substantial evidence of realistic commitment to domestic mining and mineral and mineral fuel conservation education by those most involved in the proposed program, including the institution's administration.

(9) The extent to which specific evidence is provided which demonstrates past success of graduates from the program in entering careers in domestic mining and mineral and mineral fuel conservation.

(10) The extent to which procedures are planned to measure the effectiveness and success of the proposed program.

(11) The extent to which the program has developed criteria for identifying students with exceptional ability and financial need.

(b) Types of fellowships that will be awarded:

(1) Fellowships awarded for graduate or professional study leading to an advanced degree. Institutions may apply for an allocation of fellowships for periods of up to three years for study leading to a graduate or professional degree. Most of the fellowships of this type will be awarded for graduate study leading to a masters degree.

(2) Fellowships for research incident to the presentation of a doctoral dissertation. In making recommendations to the Commissioner, institutions receiving an allocation of fellowships of this type will be expected to give highest consideration to applicants whose dissertation topic is in one of the national priority areas listed above in paragraph (a) (1).

(c) Criteria for determining financial need. In determining whether a student has financial need for purposes of this fellowship program, the institution will consider the student's projected costs for the year including tuition, fees, books, materials and supplies, plus other reasonable costs that a student might have for room and board in comparison with what the student's resources might be.

(20 U.S.C. 1134n, 1134o)

[FR Doc. 75-16032 Filed 6-18-75; 8:45 am]

OFFICE CONSUMER EDUCATION

Statement of Organization, Functions, Delegations of Authority

Part 2 (Office of Education) section 2-B, Organization and Functions of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare is hereby amended as follows: The Education Amendments of 1974 (Pub. L. 93-380) authorizes establishment of an Office of Consumers' Education within the Office of Education. Therefore the statement published in the FEDERAL REGISTER of April 26, 1974 at 39 FR 14738, is amended by addition of an Office of Consumers' Education immediately following

the statement under the heading Bureau of Occupational and Adult Education to read as follows:

OFFICE OF CONSUMERS' EDUCATION

This Office, headed by a Director of Consumers' Education who reports to the Deputy Commissioner for Occupational and Adult Education is responsible for carrying out a program of making grants to, and contracts with, institutions of higher education, State and local educational agencies, and other public and private agencies, organizations and institutions (including libraries) to support research, demonstration and pilot projects designed to provide consumer education to the public except that no grant may be made other than to a nonprofit agency, organization or institution.

Dated: June 10, 1975.

JOHN OTTINA,
Assistant Secretary for
Administration and Management.

[FR Doc.75-16033 Filed 6-18-75;9:45 am]

**Food and Drug Administration
ADVISORY COMMITTEES**

Meetings

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. 1)), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
1. Panel on Review of Dental Devices.	July 7 and 8, 9 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open July 7, open July 8, 9 a.m. to 12 noon, closed July 8 after 12 noon. Darryl G. Singleton, D.D.S. (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-2376.

Purpose. Reviews and evaluates available data concerning the safety, effectiveness, and reliability of dental devices currently in use.

Agenda. Open session: Presentations will be made, by manufacturers of ultraviolet lights and pit and fissure sealants, of information concerning these devices to allow the panel to determine the proper regulatory level for their control. Anyone desiring to make formal presentations regarding the above or any other subject should notify Darryl G. Singleton, D.D.S., in writing by June 27, 1975, and submit a brief statement of the gen-

eral nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also indicate the approximate time required to make their comments. In addition, a presentation will be made by a Food and Drug Administration lawyer concerning implications of making a device a prescription item. Closed session: Establishment of priorities on standards development; discussion of product development protocol format; and discussion of devices needing delineation of proscriptions in labeling.

Committee name	Date, time, place	Type of meeting and contact person
2. Panel on Review of Viral Vaccines and Rickettsial Vaccines.	July 7, 8, and 9, 9 a.m., Room 121, Building 29, National Institute of Health, 8800 Rockville Pike, Bethesda, Md.	Closed July 7, open July 8, 9 a.m., closed July 9. Jack Gertzog (HFB-5), 8800 Rockville Pike, Bethesda, Md. 20014, 301-496-4545.

Purpose. Reviews and evaluates all available data concerning the safety, effectiveness, and adequacy of labeling of currently marketed biological products containing viral vaccines and rickettsial vaccines.

Agenda. Closed sessions: Continuing review of viral vaccines and rickettsial vaccines under investigation. Open session: Continuing review of polio vaccine; comments and presentations by interested persons.

Committee name	Date, time, place	Type of meeting and contact person
3. Panel on Review of Antiperspirant Drug Products.	July 9 and 10, 9 a.m., Conference Room F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open July 9, 9 a.m. to 12 noon, closed July 9 after 12 noon, closed July 10. Lee Gelsmar (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription drug products containing antiperspirant drug products.

Agenda. Open session: Discussion of safety considerations of talc-containing aerosol antiperspirants; comments and presentations by interested persons. Closed session: Continuing review of over-the-counter drug products containing antiperspirant drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
4. Panel on Review of Oral Cavity Drug Products.	July 9 and 10, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open July 9, 9 to 10 a.m., closed July 9 after 10 a.m., closed July 10. John T. McElroy (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription drug products containing oral cavity drug products.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter drug products containing oral cavity drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
5. Panel on Review of Gastroenterology-Urology Devices.	July 14, 9:30 a.m., Room 6821, FB-8, 200 C St. SW., Washington, D.C.	Open July 14, 9:30 to 10:30 a.m., closed after 10:30 a.m. Thomas L. Anderson, M.D. (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

Purpose. Reviews and evaluates available data concerning the safety, effectiveness, and reliability of dialysis devices currently in use.

Agenda. Open session: Quality control for dialysis devices will be discussed. Interested parties are encouraged to present information pertinent to the classification of dialysis devices listed in this announcement. Submission of data is also invited on the tentative classification findings which may be obtained from Thomas L. Anderson, M.D., Executive Secretary. Those desiring to make formal presentations should notify Dr. Anderson in writing by July 1, 1975, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also indicate the approximate time required to make their comments. The devices to be classified at this meeting are as follows: Clamp, cannula; dilator, vessel; forcep, disconnect; guard, shunt; infusion "T," heparin; plier, crimp; plier, tube; ring, crimp; ring, joint; stabilizer, shunt; tray, de-clotting; blood filters; blood pump inserts; bubble trap holder; cannula needle, percutaneous; catheters, femoral; clamp, line; connector, shunt; fistula adaptors; forceps; guidewire; intercath, dialysis; pillow adaptor sets; shunt adaptors; vessel tip; Y adaptors; dialysis control station, negative press type; exchanger, heat; isolation, transformer;

pump, effluent; subsystem, water purification; tank, holding; tubing connectors, dialysate; tubing, dialysate; coil canister; nesting batch cart; sanitizer adaptor for coil canisters; dialyzer, capillary, hollow fiber; dialyzer, disposable; dialyzer, parallel flow; dialyzer, single coil; dialyzer, twin coil; adaptor, open bath to parallel flow; armboard; chair, dialysis; clamp, line; dialyzer holder sets; dialyzer splash covers; fluid barrier adaptors; fluid barriers; forceps; heater, field conversion kit; kit, negative pressure modification; protector, transducer; repair kit, pump valve; solution-test standard-conductivity; start/stop tray; tank, 200 liter concentrate with stand and low level alarm; tie gun; ties; tray, de-clotting; water treatment systems; alarm, pillow pressure; alarm, power failure and emergency light; alarm, wrist; arterial blood pressure; blood circuit; conductivity meter, remote; detector, air bubble; detector, blood leak, in-flow-outflow, comparative; detector, blood leak, noncomparative; detector, blood level; detector, dialysate level; flowmeter, blood; flowmeter, dialysate; hemoglobin detector, field conversion kits; manometer, water; meter, conductivity; temperature; temperature monitor, remote; venous blood pressure; catheter, disposable single use; catheter, long term indwelling; system, peritoneal, automatic delivery; trocar. Closed session: The panel will classify devices used in dialysis.

Committee name	Date, time, place	Type of meeting and contact person
6. Panel on Review of Topical Analgesics.	July 15 and 16, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open July 15, 9 to 10 a.m., closed July 15 after 10 a.m., closed July 16. Lee Gelmar (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription drug products containing topical analgesics.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter drug products containing topical analgesics under investigation.

Committee name	Date, time, place	Type of meeting and contact person
7. Panel on Review of Cold, Cough, Allergy, Bronchodilators, and Antiasthmatic Drug Products.	July 17 and 18, 9 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Closed July 17, 9 a.m. to 3:30 p.m., open July 17 after 3:30 p.m., closed July 18. Thomas B. DeCillis (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription drug products containing cold, cough, allergy, bronchodilator and antiasthmatic drug products.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter drug products containing cold, cough, allergy, bronchodilators and antiasthmatic drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
8. Panel on Review of General and Plastic Surgery Devices.	July 18, 9:30 a.m., Room 6821, FB-8, 200 C St. SW., Washington, D.C.	Open July 18, 9:30 to 10:30 a.m., closed after 10:30 a.m.; Mark F. Parrish, Ph.D. (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

Purpose. Reviews and evaluates available data concerning the safety, effectiveness, and reliability of general and plastic surgery devices currently in use.

Agenda. Open session: Interested parties are encouraged to present information pertinent to the classification of surgical instruments listed in this announcement to Mark F. Parrish, Ph.D., Executive Secretary. Submission of data relative to tentative classification findings is also invited. These findings and minutes of meetings may be obtained from the Hearing Clerk (HFC-20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852. Those desiring to make formal presentations should notify Dr. Parrish in writing by July 17, 1975, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also indicate the approximate time required to make their comments. The surgical instruments to be classified at this meeting are as follows: Appliers (surgical clip); blades—adenotome, bone cutting, chondroplastic, frontal sinus, maxillofacial, razor, rhinoplasty, saw, scalpel, skin graft, sternal, tonsillectomy, trephine; brushes—bronchoscopic, hepatic, kidney, laryngeal, skin-planing, tracheal; buttons (surgical); cannulae; carriers (ligature); clamps/forceps—Allis, aortic, arterial, biopsy, bone cutting, bone holding, bone splitting, bulldog, cannulated, cardiovascular, caval, circumcision, clip, coagulating, common duct, cup, dissecting, dressing fixation, gall bladder, gastrointestinal, hemorrhoidal, hemostat, hepatic resection, incontinence, intestinal, jar, kidney pedicle, ligature-carrying, lung, mediastinoscopy, microarterial, microsurgery, mosquito, multipurpose, muscle, needle holder, obstetrical, pituitary, prostatic lobe, punch, racks, rectal,

rongeur stomal, suture clip, tenaculum, tissue, thoracic dissecting, towel, tube type, umbilical, uterine, vulsellum, wire cutting, with or without lock, with or without finger loops; chisels/osteotomes; clips—hemostatic, skin, stapler; contractors; curettes; cutters (wire); dermatomes—battery, line powered, manual, pneumatic; dissectors and elevators—dura, nasal, periosteal, septal, skin, spinal, submucous; expanders (skin graft); gouges—arthroplasty, bone, skin; guides (instrument); hammers/mallets; handles—knife, razor blade, scalpel, surgical light, trephine; holders—needle, surgical instrument, tissue; hooks—bone, cervical, dissecting fibroid, ganglion, microsurgery, muscle, palate, rectal, retractor, rhinoplasty, skin, tenotomy, vessel; knives—amputation cartilage, commissurotomy, ganglion, hair transplant, microsurgical, otoplasty, plaster cast, rhinoplasty, septum, skin graft, sternal, swivel; markers (skin); needle guides; needles—aspirating, suturing, syringe, trocar, disposable, reusable; proctoscopes and sigmoidoscopes—cotton carrier, direct vision, fiberoptic, flexible, knife, rigid, scissors, snare, suction tip; rasps; retainers (visceral); retractors; rulers; saws—accessories, manual, powered, amputating, gigli, nasal, plaster cast, sternal, wire; snares (wire); spatulas; staplers—cassette load, individual load; stiletts (wire); strippers—fascia, tendon, vessel, reusable, disposable; suction tips (tubes); sutures (absorbable)—catgut (chromic, plain), synthetic (polyglycolic acid, polyglycolic acid); sutures (nonabsorbable)—cotton, silk, steel (monofilament, multifilament), synthetic (nylon, polyester, polyethylene, polypropylene); tape—adhesive, cotton; tourniquets—band, inflatable; transluminators—tissue x ray; trephines—bone, skin, synovia; tubing—disposable, reusable. Closed session: Classification of surgical instruments listed above.

Committee name	Date, time, place	Type of meeting and contact person
9. Panel on Review of Radiology Devices.	July 21 and 22, 8:30 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open July 21, 8:30 to 2:30 a.m., closed July 21 after 2:30 a.m., closed July 22, Leroy L. Hamilton, Ph.D. (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3530.

Purpose. Reviews and evaluates available data concerning the safety, effectiveness, and reliability of radiology devices currently in use.

Agenda. Open session: Review of existing standards by Mr. James McCue, Division of Medical Devices Standards and Research, Bureau of Medical Devices and Diagnostic Products. Interested parties are encouraged to present information pertinent to the classification of the device listed in this announcement. Submission of data is also invited on the tentative classification findings which may be obtained from Leroy L. Hamilton, Ph.D., Executive Secretary. Those desir-

ing to make formal presentations should notify Dr. Hamilton in writing by July 7, 1975, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also indicate the approximate time required to make their comments. The device to be classified at this meeting is as follows: Electron avalanche imaging system. Closed session: Review of devices tentatively classified at the panel meeting of May 7 and 8, 1975, and identification of standards requirements and special device problems.

Committee name	Date, time, place	Type of meeting and contact person
10. Panel on Review of Contraceptives and Other Vaginal Drug Products.	July 24 and 25, 9 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open July 24, 9 to 10 a.m., closed July 24 after 10 a.m., closed July 25, Armond M. Welch (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4900.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription drug products containing contraceptives and other vaginal drug products.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter drug products containing contraceptives and other vaginal drug products.

Committee name	Date, time, place	Type of meeting and contact person
11. Panel on Review of Antimicrobial Agents.	July 24, 25, and 26, 9 a.m., Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open July 24, 9 to 10 a.m., closed July 24 after 10 a.m., closed July 25 and 26, Armond M. Welch (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4900.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription drug products containing antimicrobial agents.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter drug products containing antimicrobial agents under investigation.

Committee name	Date, time, place	Type of meeting and contact person
12. Panel on Review of Orthopaedic Devices.	July 31, 9 a.m., Room 6821, FB-8, 200 C St. SW., Washington, D.C.	Open July 31, 9 to 10 a.m., closed after 10 a.m., Johnnie W. Bailey (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

Purpose. Reviews and evaluates available data concerning the safety, effectiveness, and reliability of orthopaedic devices currently in use.

Agenda. Open session: Interested parties are encouraged to present information pertinent to the classification of orthopaedic devices listed in this announcement to Ms. Johnnie W. Bailey, Associate Executive Secretary. Submission of the data relative to tentative classification findings is also invited. These findings and minutes of meetings may be obtained from the Hearing Clerk (HFC-20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852. Those desiring to make formal presentations should notify Ms. Bailey in writing by July 17, 1975, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be

relied on, and also indicate the approximate time required to make their comments. The devices to be classified at this meeting are as follows: External prosthetic devices and accessories; brace and brace materials; calipers, depth gage; goniometer; protractor; air filter; isolation chamber; isolation hood (laminar flow); laminar flow unit; clamp; curette; cutting instrument; drill, burr and accessories; elevator; extractor and impactor; forceps, plier and wrench; guide; mallet; rasp, broaches and file; reamer; retractor; rongeur; saw; stripper; cane; commode chair; commode; crutch; walker; wheelchair; rehabilitation equipment, powered, energy emitting and non-energy emitting; rehabilitation equipment, manual; ankle traction unit; head halters; hip traction unit; pelvic traction belt; traction splint; spinal fixation cable. Closed session: Classification of devices listed above.

Committee name	Date, time, place	Type of meeting and contact person
13. Toxicology Subcommittee of the Diagnostic Products Advisory Committee.	July 31 and Aug. 1, 9 a.m., Room 1813, FB-8, 200 C St. SW., Washington, D.C.	Closed July 31, 9 a.m. to 5 p.m., open Aug. 1, 9 to 10 a.m., closed Aug. 1 after 10 a.m., Nabeeh Mourad, Ph.D. (HFK-200), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4943.

Purpose. Reviews and evaluates information pertaining to performance standards for selected diagnostic products, evaluates and recommends appropriate reference methodologies and standards of precision and accuracy for measuring such products and recommends priorities on presently marketed products for standard setting by the Food and Drug Administration.

Agenda. Open session: Interested parties are encouraged to present information pertinent to the classification of in

vitro diagnostic products used in the clinical toxicology laboratory. Those desiring to make formal presentations should notify Nabeeh Mourad, Ph.D., in writing by July 15, 1975, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also indicate the approximate time required to make their comments.

Closed session: Review revised product list, discuss clinical toxicology problem areas, and initiate classification activity for the following products: Digoxin, alcohol (except breath analyzers), barbiturates, and salicylates.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided for this type of discussion to remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among com-

mittee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the

free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: June 13, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.
[FR Doc.75-15945 Filed 6-18-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Housing Production and Mortgage Credit Federal Housing Administration Commissioner

[Docket No. N-75-329]

NATIONAL MOBILE HOME ADVISORY COUNCIL Meeting

In accordance with section 605 of Title VI of the Housing and Community Development Act of 1974 (Pub. L. 93-383) and section 10(a)(2) of the Federal Advisory Committee Act of 1972, announcement is made of a meeting of the Executive Committee of the National Mobile Home Advisory Council. A previous notice concerning this meeting was prepared for publication but was lost in transit to the FEDERAL REGISTER.

Name: National Mobile Home Advisory Council—Executive Committee.
Place: Room 6262, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.
Proposed subject matter: Matters raised at the first meeting of the full National Mobile Home Advisory Council, May 5-6, 1975, concerning proposed Federal mobile home construction and safety standards.
Date: June 23, 1975.
Time: 9 a.m.

This meeting of the Executive Committee of the Advisory Council is open to the public.

Any member of the public may file a written statement with the Executive Committee before, during or after the meeting. To the extent that time permits, the Chairman of the Executive Committee may allow public presentation of oral statements during the meeting.

All communications regarding this meeting should be addressed to:

Robert G. Hoag
Committee Management Officer
Department of Housing and Urban Development
Room 4266
451 Seventh Street SW.
Washington, D.C. 20410.

Issued in Washington, D.C., on June 17, 1975.

SANFORD A. WITKOWSKI,
Acting Assistant Secretary for
Housing Production and Mortgage Credit.

[FR Doc.75-16093 Filed 6-18-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. 75-13; Notice 1]

CATALYTIC CONVERTERS AND THERMAL REACTORS

Safety Aspects

The National Highway Traffic Safety Administration is monitoring the safety aspects of emission control systems incorporating catalytic converters or thermal reactors. Reports concerning this effort are available for public inspection and copying at the Docket Section, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590, Monday through Friday, excluding holidays, between the hours of 8 a.m. and 4 p.m. Persons interested in commenting on the subject are requested to submit their views in writing to the above address and make reference to Docket Number 75-13.

(Sec. 106, Pub. L. 89-563, 80 Stat. 718, (15 U.S.C. 1396); 49 CFR 1.51 and 49 CFR 501.8).

Issued on: June 13, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.75-15928 Filed 6-18-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 27932]

CHICAGO-MONTREAL ROUTE PROCEEDING

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 3, 1975, at 10 a.m. (local time), in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Frank M. Whiting.

For information concerning the issues and the requests for evidence to be considered at the conference, the attention of interested persons is directed to CAB Order 75-6-55, served June 12, 1975.

Dated at Washington, D.C., June 13, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-15988 Filed 6-18-75;8:45 am]

[Dockets Nos. 27947, 27417; Order 75-6-72]

VARIOUS CARRIERS AND DEPARTMENT OF TRANSPORTATION

Order of Investigation and Suspension Regarding Domestic Passenger Fare Increases

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of June 1975.

By tariff revisions marked to become effective on various dates from June 15

through July 1, 1975,¹ all domestic trunkline and regional carriers operating within the 48 contiguous states and the District of Columbia propose to extend the four percent fare increase which became effective on November 15, 1974 beyond its expiration date of June 30, 1975. Some carriers propose to limit the extension to an additional six and one-half months and have included a new expiration date of January 14, 1976, while others contend that it should be made a permanent part of the fare structure. In addition, five carriers propose a further increase in fares of either five or six percent. A summary of the carriers' proposals appears in Attachment A.²

All carriers argue that both fuel and non-fuel costs have continued to rise, and that a roll-back in fares by four percent would be financially unsound in light of the very poor financial results in the first quarter of 1975. Five carriers contend that costs (primarily fuel cost) have risen to such an extent that they are not being offset by the higher fares previously permitted and that a further increase is now mandatory. No carrier contends that a further increase would be inconsistent with the Board's standards adopted in the "Domestic Passenger-Fare Investigation" (DPFI). However, several express concern over the possible adverse effect of an additional increase at this time, essentially because of the "unsettled" state of the economy.

The complainants, on the other hand, argue that continuing the four percent increase, and in particular implementing a further increase, will only cause a further decline in airline financial results because higher fares will cause greater numbers of passengers to forego air travel. The complainants allege that the root cause of the carriers' financial difficulty is their inability or unwillingness to match capacity to traffic, and that the recent increases in fares have created a growing disincentive to fly.

A summary of the carriers' justifications appears in Attachment B. Complaints have been filed by the Council on Wage and Price Stability (Council) against TWA and American; against TWA, American and Eastern by the Board's Office of the Consumer Advocate (OCA); and against several carriers by the National Passenger Traffic Association, Inc. (NPTA). A summary of these complaints and answers thereto appears in Attachment C.³

In addition, the Department of Transportation (DOT) has petitioned the Board for an order to show cause why ratemaking load-factor standards should not be increased, particularly in the longer-haul trunkline markets. A summary of DOT's petition and answers thereto appears in Attachment D.⁴

THE FARE PROPOSALS

The carriers have purported to follow all the DPFI standards in evaluating

the industry's present revenue need, and most of those which are proposing an additional increase beyond the four percent have gone the further step of making the full discount-fare adjustment.⁵ All carriers use calendar 1974 as the base period. Although the computations vary somewhat from carrier to carrier, they are as a general rule substantially similar, and support the carriers' claims that their proposed fares do not exceed those allowable under the Board's DPFI standards as so far applied. Most have computed the unadjusted or actual 48-state rate of return on investment (ROI) at approximately 8 percent, and typically at approximately 10 percent as adjusted for Phase 5 discount fares, standard seating, and the load factor standard. Without the full discount-fare adjustment the carriers generally estimate that an approximate 12 percent fare increase is needed to raise the industry ROI to 12 percent. With the fare increases of 5 or 6 percent, including the full discount-fare adjustment, the carriers estimate an ROI of between 10.38 and 11.5 percent (Eastern does not compute the final adjusted ROI, but estimates that an 8 percent fare increase would be required to reach the 12 percent ROI standard).

The Board's analysis of present revenue need produces a different result. In making our analysis, we have refined the cost-escalation factor, and have made an adjustment for aircraft utilization for the first time. We have also made the full discount-fare adjustment, as have some carriers. Finally, we have used a different base period, since the tariff-filing lead time did not permit the carriers to use the most recent data for the year ended March 31, 1975, as we have done.

The ROI computed on this basis, including annualization of the four percent fare increase, is 11.29 percent, four points above the actual ROI of 7.28 percent realized by the trunkline industry. (See Attachment E.) Nevertheless, it remains below the 12 percent return which the Board has found reasonable for rate-making purposes and, accordingly, retention of the four percent is warranted on a temporary basis at this time. However, we are not now persuaded that the carriers should be permitted to incorporate the November 15, 1974 four percent fare increase as a permanent part of the fare level. The economic situation is uncertain, as is the impact of the various major discount-fare programs which the carriers have established in recent months. For these reasons, we will suspend the proposals which would extend the four percent increase indefinitely. Our analysis also indicates that the proposed increases over and above the present fare level would result in an excessive ROI for the industry, and should be suspended.

As indicated, our ROI computations reflect various modifications in the approach we have followed in evaluating previous fare-increase proposals. It should be stressed that none of the foregoing modifications reflect a departure from the basic principles of the DPFI. The full discount-fare adjustment is merely an implementation of a policy enunciated in our 1972 decision in Phase 5 of the DPFI and thus has been long heralded. The adjustment for aircraft utilization is required in order to avoid reflecting in the future-period fare level the abnormally low utilization experienced in 1974 as a result of fuel constraints which have been subsequently relieved. The modification in the inflation factor merely reflects the fact that fuel costs are no longer rising as rapidly as they did in the base period. We have also refined the belly-cargo revenue-off-set adjustment to reflect annualization of cargo-rate increases as a necessary corollary to the annualization of fare and cost increases. These various adjustments and other considerations underlying our conclusions are discussed in detail below.

The cost-escalation factor is intended to adjust base period costs to reflect the level of costs experienced at the effective date of the fare increase. The factor previously used, and used here by the carriers in their justifications, was based on the increase in operating expense per available-seat-mile (at the standard load factor) from one year to the next. This technique accomplishes the desired result as long as unit costs are increasing at a reasonably steady rate. However, this does not appear to be the situation at this time and, as a consequence, we have developed a refined methodology for developing the escalation factor insofar as it is influenced by fuel prices. While we have continued to use the traditional approach with respect to non-fuel costs, we have estimated the price of fuel as of July 1, 1975 to be 1.5 cents a gallon higher than the average for the first quarter 1975. This basically reflects the impact of the \$1.00-a-barrel tax increase on imported crude oil which was effected in February 1975. The impact of that increase, estimated to be about 1.3 cents a gallon for aviation fuel, is expected to flow through to the airlines sometime around the middle of the second quarter. Our total computed cost factor is 7.85 percent, about one half that computed by most carriers. Some of this difference, however, stems from the fact that we are using a more recent base period which reflects higher cost levels than the data used by the carriers.

We have made a utilization adjustment in evaluating these proposals because the higher load factors which approached the ratemaking standard during 1974 resulted from reduced frequencies and aircraft utilization, rather than from traffic growth as had been contemplated in the DPFI. The present methodology makes no adjustment to account for higher load factors due solely to less efficient utilization of aircraft (zero utilization when an aircraft is grounded).

¹ Revisions to Airline Tariff Publishers Company, Inc., Agent C.A.B. Nos. 229, 246, and 249.

² Filed as part of the original document.

³ Filed as part of the original document.

⁴ In evaluating previous fare-increase proposals the Board has adjusted ROI only for those discount fares specifically investigated in the DPFI (youth, family and Discover America).

However, this element has not previously been of material consequence. We believe such an adjustment in the present atypical circumstances is wholly consistent with the fundamental principle which evolved from the DPFI, that the general fare level should not be burdened by unnecessary capacity. Accordingly, we have adjusted 1974 utilization rates, by carrier and by aircraft type, to reflect their 1972 experience.² For the year ended March 1975, the overall adjusted increase in utilization equated to a \$33,996,000 decrease in depreciation and insurance cost, and a \$285,266,000 decrease in investment and interest expense. We believe this approach provides a reasonable adjustment in present circumstances.⁴

As indicated, we have concluded that it is now appropriate to make the full discount-fare adjustment. The carriers have been on notice for over two years that the Board would eventually make such an adjustment. Nevertheless, in recent months they have established a number of major discount fares in an effort to stimulate traffic growth which has sagged because of the downturn in the economy, and to fill the substantial number of additional seats they have placed in service. We recognize that the general economic downturn and consequent decline in domestic passenger growth may well warrant discount-fare experimentation. However, it does not follow that the fundamental Phase 5 principle that full-fare traffic not be burdened by non-cost-based discount fares should be ignored. To the contrary, if anything, these circumstances would seem to require that the Board now take the necessary steps to avoid burdening the regular fare level.⁵ This modification raises the ROI by about 2.5 points.

In summary, after making the adjustments described above, the industry's ROI remains under the 12 percent standard. While as discussed in detail later, we believe that a review of the load-factor standard is now indicated, an adjustment for present purposes would not be warranted. In these circumstances, a rollback of the four percent increase permitted last November does not appear warranted.

At the time the four percent fare increase was introduced last November, the Board members were divided as to whether it was justified. Since that time, however, the carriers' unit costs have continued to escalate at a rapid rate.

² This is the most recent normal calendar-year prior to the development of the fuel crisis in 1973. We have made no adjustment in the case of those carriers whose 1974 utilization exceeded that in 1972.

⁴ We have incorporated into the utilization adjustment four grounded B-747's of Continental representing \$66 million of investment.

⁵ In most of the Board's recent orders involving major discount-fare proposals the carriers have been forewarned that the fares would be subjected to the Phase 5 adjustment. A notice of proposed rulemaking dealing with the details of the adjustment methodology will be issued shortly.

Thus, their unit costs (after various DPFI adjustments) for the year ended June 30, 1974—the base year employed in the Board's earlier assessment of this fare increase—averaged 3.54 cents per available seat-mile (ϵ /ASM). Using what it deemed a reasonably representative cost-escalation factor, the Board projected a 1974 year-end unit-cost level of 3.93 ϵ /ASM, and the dissenting members argued for a somewhat lower figure. However, the carriers' subsequently reported operating results for the year ended March 31, 1975—the base period being employed here—show a DPFI-adjusted unit-cost level of 3.98 ϵ /ASM. Application of the refined cost-escalation factor and other adjustments described above points to a 1975 midyear unit-cost level of 4.23 ϵ /ASM, which is nearly eight percent higher than the 1974 year-end level projected last fall. This substantial rise in the unit-cost level compels the conclusion, even by those who argued that the fare increase was unjustified at the time it was introduced, that it cannot now be rolled back but must be permitted to remain in effect until January 14, 1976.

In our judgment, the complainants do not indicate error in the foregoing analysis.⁶ The complaints of the Council and OCA center on the possible adverse impact on traffic.⁷ The Council contends that fares should be rolled back to the level prevailing prior to the 4 percent increase last November—and perhaps to an even lower level—unless the Board can satisfy itself, among other things, that the present price elasticity of airline traffic will in fact insure that higher fares will produce higher total revenues.

⁶ In addition to its allegations which are basically similar to those of the other complainants, NPTA once again alleges that the carriers should not be permitted fare increases because they have failed to take advantage of a cost-sharing proposal of NPTA. That proposal would in effect compensate NPTA members for the ticketing and reservation services they provide for company employees, which according to NPTA would be considerably less than the present 7 percent commission which the airlines pay commercial travel agencies. NPTA claims that this costs the airlines about \$100 million a year. The Board has in the past declined to consider the merits of NPTA's proposal in connection with pending fare increases, and NPTA has provided no reason which persuades us that we should now reverse that policy. The merits of OCA's allegations as to TWA's relative efficiency aside, continuation of present fare levels would be warranted even were TWA's results eliminated from DPFI adjusted totals.

⁷ Numerous references are made to the increases in domestic air fares over the past year and a half, the cumulative effect of which is undeniably substantial. However, rectifying fare increases without providing any comparative basis is meaningless. For example, comparing 1974 over 1972 (just prior to the round of increases repeatedly referred to), the increase in yield expressed in constant dollars is only 2.3 percent, which cannot be considered unreasonable in light of the substantially greater impact petroleum price increases have had on the airline industry versus the economy in general.

However, the Council provides no evidence to support the proposition that traffic is now so elastic that continuing the four percent increase will have a negative impact on revenues. On the other hand, a number of factors suggest that this is not the case. For example, yield was up 14.7 percent in the year ended March 1975 over the previous year, yet traffic remained relatively constant (down -.46 percent) and revenues rose by 14.2 percent. During the early months of 1974, when the then recent cancellation of a number of discount fares resulted in rather substantial increases in yield (on top of the six percent fuel-related increase which was permitted in mid-April 1974), traffic did not drop as dramatically as would be expected in an elastic market. Rather, during the peak summer months of June through September, a considerable amount of discount fare traffic shifted to full fares. This consumer reaction does not suggest a substantially elastic market.⁸ Moreover, we cannot ignore the fact that the airline industry is in unanimous agreement that continuation of the four percent is necessary.

The complainants also contend that the carriers should not expect to earn a 12 percent ROI in the present economic climate. A basic concept of the DPFI is that in periods of low load factor the carriers' actual ROI will tend to be below the 12 percent ratemaking standard and, conversely, will exceed the standard when load factor rises above 55 percent.⁹ Thus, for ratemaking purposes, the Board does not recognize a decline in load factor caused by economic recession or any other factor. The Board's policy is, therefore, consistent with the complainants' contention that carriers should not expect a 12 percent return in the present circumstances. The adjusted ROI approaches the recognized level only because of the severity of the Board's ratemaking adjustments. The actual ROI for the year ended March 31, 1975 was only 7.28 percent, and without the four percent increase now marked to expire this could drop significantly. As long as actual load factors remain low, whether because of the economic climate or for whatever reason, the airline industry's actual earnings will be below the recognized ROI. This is not inconsistent with the fluctuation in earnings of other industries. In summary, the complainants' concern about permitting the industry to earn a 12 percent ROI in the present economic climate stems from a lack of

⁸ Along similar lines, the Council and OCA express concern for the discretionary traveler, contending that the solution to recent traffic declines is to reduce the cost of air travel so as to generate new business. However, this argument ignores the influx of many greatly reduced promotional fares initiated by the carriers in recent months; such as 7-30 day excursion fares in all markets over 750 miles, night coach excursion fares, "no frill" fares in certain markets, and other more selectively available fares.

⁹ See Order 71-4-59, April 9, 1971, Opinion, pages 72-74.

understanding of the Board's policy.²⁰

In the area of cost control, the complainants' primary concern, with the exception of NPTA, appears to be with alleged deficiencies evidenced by the declining load factor, particularly insofar as it is caused by the addition of capacity. However, under the standard load factor methodology, the decline in load factor is not reflected in the carriers' claims, or in the Board's calculation of revenue need.

THE LOAD-FACTOR STANDARD

Without offering any factual support or legal basis for doing so, the complainants urge the Board to apply a higher load-factor standard in evaluating the instant proposals. A partial answer to this contention is that implementation of the full discount-fare adjustment in effect implies a significantly higher load factor than 55 percent. Since all discount fares are eliminated in our evaluation,²¹ the load-factor standard becomes a full-fare standard, and the industry's fare level is thus tied to the revenues generated by full-fare revenue passenger-miles. However, since actual yield is less than the full-fare yield used for rate-making purposes, the industry would need to realize a load factor substantially in excess of 55 percent in order to achieve the recognized ROI.²²

Moreover, at this point, it is impossible to predict the consequences of raising the full-fare load-factor standard to 60 or 65 percent as the complaints suggest. Since these represent system-average load factors, it is possible that operations at this level would create serious adequacy-of-service problems. In addition, since load factors are now trending downward, it would be inconsistent with past Board policy to reverse the trend abruptly for ratemaking purposes, and would place the carriers in an untenable earnings position. We refer here to the Board's decision to phase in the present 55 percent standard partly because the economic climate prevailing at that time was inhibiting traffic growth, and therefore the carriers' ability to bring capacity into line with demand.

Nevertheless, we are persuaded that circumstances have changed sufficiently in the years intervening since our Phase 6B DPFI decision to warrant a reevaluation of the 55 percent load-factor standard, as requested by DOT. DOT contends that raising the standard to at least 65 percent, particularly in longer-haul markets, would result in lower coach fares for all passengers in return for somewhat less convenient service, and would be consistent with the national need for

fuel efficiency.²³ However, we do not believe that a show cause order would provide an effective forum.

The level of the standard load factor is of major consequence to the public, since it represents that level of service which the public is asked to pay for and which over the longer term can expect to receive. It also has a major impact on carrier earnings when actual load factors deviate substantially from the standard, and thus discourages inefficient scheduling practices. For example, the base period used in evaluating the December 1, 1973 five percent fare increase was the year ended June 30, 1973. At that time, the carriers' load factor was 52.1 percent (48.2 after adjusting for standard seating) and, as a result, in excess of \$500 million in operating expense was disallowed.²⁴ Subsequent to the Board's decision on this standard,²⁵ the carriers' load factors gradually rose toward the 55 percent, as expected. Nevertheless, until the impact of the fuel crisis on scheduling practices, the actual 48-state load factors remained considerably below the standard. As load factors increased due to fuel-related schedule reduction, the impact of the load-factor adjustment diminished sharply. For the year ended June 1974, the base period used in evaluating the November 1974 four percent fare increase, the load factor was 55.2 percent (53.1 with standard seats), and the load-factor adjustment disallowed \$145 million in operating expense.

DOT cites the fact that the DPFI findings on load factor were based upon 1967-1969 experience. Now, just six years later, the unprecedented rise in fuel prices is having a significant impact on costs and most probably will cause significant changes in the carriers' scheduling practices as they seek to control consumption. We agree with DOT that the present standard needs to be reevaluated in order to insure that such an important rate-making input reflects what all sources indicate will be the continuing impact of fuel on the economics of the airline industry. No details need be cited to prove the major change that has taken place over the last year as a direct result of the fuel crisis. What concerns us most is the indefinite duration of that change, and the apparent lack of any real possibility that the situation will revert to the years of low fuel prices and unlimited supplies. Indeed, current national policy indicates that prices can only rise in the future as we seek fuel independence. Tentative estimates are that the Administration's present fuel policy could ultimately raise the domestic airlines' fuel bill between \$640 million and \$1.5 billion annually.²⁶

The fundamental question which is presented in this situation is whether or not the cost/quality of service relation-

ship inherent in the present load-factor standard has been sufficiently increased on the cost side to warrant some balancing modification on the quality of service side. In other words, largely because of fuel price increases, the cost of operating aircraft has risen more rapidly than costs generally. In terms of real dollars, it costs more today than in previous years to provide the same level of service. In terms of constant dollars, the current cost level is 9.8 percent above 1972. The load-factor standard would need to be raised to 60.4 percent if this cost increase were to be absorbed through a decrease in the quality of service rather than passed on to the passenger. While future increases in fares may prove to be warranted, current conditions nevertheless dictate a reexamination of the basic cost/quality of service relationship as reflected in the load-factor standard so that at least some portion of the escalating cost level may be offset by an adjustment in the quality of service. Also, we have previously indicated our intentions of focusing upon the desirability of applying the standard load-factor adjustment by class of service (Order 74-12-109, December 27, 1974, footnote 59). Accordingly, our reexamination of the load-factor standard will encompass this issue as well.

We have concluded to undertake a rulemaking proceeding, rather than pursue the show-cause procedure urged by DOT, as the most effective means of dealing promptly with the question of the load-factor standard. A formal public hearing would be extremely time consuming, and we believe these issues need to be explored as expeditiously as possible. On the other hand, the rulemaking approach should provide an adequate forum in which all parties can fully present their views.²⁷

The Board is also considering a reexamination of issues relating to the rate of return. On the one hand, substantial questions have been raised in recent months in the public arena as to the reasonableness of the 12 percent standard. On the other hand, there have been changes in the capital market since the Board's decision on this issue in the DPFI. Under these circumstances, the time may be ripe for a review of this issue.

We view the periodic reevaluation of previously established ratemaking principles and standards in the light of possibly altered conditions as an appropriate exercise of our responsibilities. However, the institution of a proceeding in which the Board examines these principles and standards should not be construed as any prejudgment or commitment to change.

²⁰ This reflects elimination of only the Phase 5 discount fares.

²¹ Phase 6B of the DPFI.

²² At present, \$2 of the contemplated \$3-per-bbl. increase in the tariff on imported crude has been imposed.

²³ DOT's petition in Docket 27417 will be consolidated into the rulemaking proceeding.

²⁴ It is important to distinguish between ratemaking ROI and actual ROI, with the stringent adjustment we have made, the former is about 11 percent. However, the actual ROI is only 7.28 percent.

²⁵ Children's fares are not excluded since they are regarded as part of the basic fare structure.

²⁶ Indeed, achievement of a 12 percent ROI in 1974 would have required an actual load factor somewhat above 60 percent when the discount-fare traffic is taken into account.

²⁷ Several carriers—Allegheny, Braniff, Continental, Eastern, Frontier, National, Southern, United and Western—filed comments along with the Aviation Consumer Action Project. A summary of these comments, DOT's petition and answer appear in Attachment D.

Accordingly, upon consideration of the tariff filings, the justifications, complaints, answers, and all relevant matters, the Board concludes that the proposals to increase domestic fares beyond current levels, and those proposals which would continue the present fare level indefinitely, may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. We further conclude that the fares should be suspended pending investigation. We find that the complaints do not set forth sufficient facts to warrant investigation of the proposals which would continue the present level of fares until January 14, 1976, and the requests therefor and consequently the requests for suspension will be denied, and the complaints dismissed.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, and 1002 thereof:

It is ordered, That: 1. An investigation be instituted to determine whether the provisions described in Attachment F hereto, and rules, regulations and practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful provisions and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, the provisions described in Attachment F hereto are suspended and their use deferred to and including September 12, 1975, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaints in Dockets 27862, 27864, 27886, and 27887 are hereby dismissed;

4. The investigation ordered herein be assigned before an Administrative Law Judge at a time and place hereafter to be designated;

5. A copy of this order be filed with the aforesaid tariffs and be served on the domestic scheduled certificated air carriers, the Allied Pilots Association, the Civil Aeronautics Board's Office of Consumer Advocate, the Council on Wage and Price Stability, the Department of Transportation, and the National Passenger Traffic Association, which are hereby made parties to this proceeding, and upon the Aviation Consumer Action Project.

This order will be published in the *FEDERAL REGISTER*.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,¹⁸
Secretary.

[FR Doc.75-15989 Filed 6-18-75; 8:45 am]

¹⁸ Concurring statement of Timm, Member, Filed as part of the original document.

CIVIL SERVICE COMMISSION FEDERAL EMPLOYEES PAY COUNCIL

Meeting

The meeting of the Federal Employees Pay Council previously announced for 10 a.m. on Wednesday, July 2, 1975, will be held instead at 10 a.m. on Thursday, July 3, 1975. This meeting will be held in room 5323 of the U.S. Civil Service Commission building, 1900 E. Street, NW., and will consist of continued discussions on the fiscal year 1976 comparability adjustment for the statutory pay systems of the Federal Government.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent.

RICHARD H. HALL,
Advisory Committee Management
Officer for the President's Agent.

[FR Doc.75-15942 Filed 6-18-75; 8:45 am]

DEPARTMENT OF COMMERCE

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Chief Counsel, Office of the Chief Counsel, Economic Development Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc.75-15940 Filed 6-18-75; 8:45 am]

DEPARTMENT OF COMMERCE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Director, Office of Field Operations, Domestic and International Business Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc.75-15941 Filed 6-18-75; 8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COTTON, WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF CHINA

Entry or Withdrawal from Warehouse for Consumption

JUNE 13, 1975.

On October 4, 1974 and January 2, 1975, there were published in the *FEDERAL REGISTER* (39 FR 35838 and 40 FR 21), letters dated, respectively, September 26 and December 20, 1974 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton and wool and man-made fiber textile products produced or manufactured in the Republic of China and exported to the United States, in the case of wool and man-made fiber textile products, during the twelve-month period which began on October 1, 1974; and, in the case of cotton textiles and cotton textile products, exported to the United States during the twelve-month period which began on January 1, 1975. These levels of restraint were established to implement certain provisions of the Bilateral Cotton and Wool and Man-Made Fiber Textile Agreements of December 30, 1971, as amended, between the Governments of the United States and the Republic of China.

On May 21, 1975, in furtherance of the objectives of, and under the terms of, the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, the Governments of the United States and the Republic of China concluded a new comprehensive bilateral cotton, wool and man-made fiber textile agreement concerning exports of cotton, wool and man-made fiber textile products from the Republic of China to the United States over a period of three years beginning on January 1, 1975 and extending through December 31, 1977. Among the provisions of the new agreement are those establishing an aggregate limit for Categories 1-64, Categories 101-132, and Categories 200-243; and group limits within the aggregate for Categories 1-38, 64, 200-213 and 241-243; Categories 39-63 and 214-240; and Categories 101-132. Within the applicable aggregate and group limits, specific limits have been established for Categories 9/10, 18/19, 22/23, 43 and part of 62 (shirts and blouses), 45/46/47, 48, 49, 50/51, 60, 213, 219, 221, 222, 224, and 234/235.

There is published below a letter of June 13, 1975, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs cancelling the letters of September 26 and December 20, 1974 and directing that entry into the United States for consumption and withdrawal from warehouse for consumption be

limited to the designated levels as follows:

(1) For the twelve-month period beginning on January 1, 1975 and extending through December 31, 1975 for cotton textile products in Categories 9/10, 18/19, 22/23, 43 and part of 62 (shirts and blouses), 45/46/47, 48, 49, 50/51 and 60; and

(2) for the fifteen-month period beginning on October 1, 1974 and extending through December 31, 1975 for man-made fiber textile products in Categories 213, 219, 221, 222, 224, and 234/235.

The levels of restraint set forth below have not been adjusted to reflect any entries of cotton textile products after December 31, 1974, or of man-made fiber textile products after September 30, 1974. Adjustments will be made to account for all such entries after the dates indicated and through the effective date of this action. According to the terms of paragraph 10 of the agreement, adjustments will also be made in the levels of restraint established for Categories 219 and 224 to account for previous overshipments in these categories.

This letter and the actions taken pursuant thereto are not designed to implement all of the provisions of the new bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Effective date: June 23, 1975.

ALAN POLANSKY,
Chairman, Committee for the
Implementation of Textile
Agreements, and Deputy As-
sistant Secretary for Re-
sources and Trade Assistance,
U.S. Department of Com-
merce.

COMMITTEE FOR THE IMPLEMENTATION OF
TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

JUNE 13, 1975.

DEAR MR. COMMISSIONER: This directive cancels and supersedes the directives issued to you on September 26 and December 20, 1974 by the Chairman of the Committee for the Implementation of Textile Agreements, which directed you to prohibit entry of cotton and wool and man-made fiber textile products in certain specified categories, produced or manufactured in the Republic of China, and exported to the United States during the twelve-month periods beginning, respectively, on January 1, 1975 and October 1, 1974.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 21, 1975 between the Governments of the United States and the Republic of China, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on June 23, 1975, and for the twelve-month period beginning on January 1, 1975 and extending through December 31, 1975, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in the indicated categories in excess of the following levels of restraint:

Category	12-month level of restraint ¹
9/10 -----	34,383,203 square yards.
18/19 -----	1,880,203 square yards.
22/23 -----	3,689,469 square yards.
43 and part of 62 (only T.S.U.S.A. Nos. 382.0002, Nos. 382.0002, 0610).	820,538 square yards equivalent.
45/46/47 -----	12,415,516 square yards equivalent (of which not more than 31,551 dozen may be in Category 45).
48 -----	22,000 dozen.
49 -----	35,000 dozen.
50/51 -----	630,979 dozen (of which not more than 298,099 dozen may be in Category 50 and not more than 488,131 dozen may be in Category 51).
60 -----	40,000 dozen.

¹ The levels of restraint have not been adjusted to account for any entries made after Dec. 31, 1974.

You are further directed to prohibit, effective on June 23, 1975, and for the fifteen-month period beginning on October 1, 1974 and extending through December 31, 1975, entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in the indicated categories in excess of the following levels of restraint:

Category	15-month level of restraint ²
213 -----	9,563,703 pounds.
219 -----	6,338,296 dozen.
221 -----	4,459,596 dozen.
222 -----	4,190,836 dozen.
224 -----	10,737,179 pounds (of which not more than 282,500 pounds shall be in T.S.U.S.A. Nos. 380.-0420 and 380.8143 and not more than 750,000 pounds shall be in T.S.U.S.A. Nos. 380.0402 and 380.8103).
234/235 --	77,580,761 square yards equivalent.

² The levels of restraint have not been adjusted to account for any entries made after Sept. 30, 1974.

In carrying out this directive, entries of cotton textile products in Categories 9/10, 18/19, 22/23, 43 and part of 62, 45/46/47, 48, 49, 50/51 and 60, produced in the Republic of China and exported to the United States prior to January 1, 1975, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period January 1, 1974 through December 31, 1974. Entries of man-made fiber textile products in Categories 213, 219, 221, 222, 224 and 234/235, produced in the Republic of China and exported to the United States prior to October 1, 1974, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period October 1, 1973 through September 30, 1974. In the event that the levels of restraint established for these twelve-month periods have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of May 21, 1975 between the Governments of the United

States and the Republic of China which provide, in part, that: (1) Within the aggregate and applicable group limits of the agreement, specific levels of restraint in Categories 1-38, 64, 200-213 and 241-243 may be exceeded by 10 percent, and in Categories 39-63 and 214-240, by 7 percent; (2) these same levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of China and with respect to imports of cotton, wool and man-made fiber textile products from the Republic of China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Im-
plementation of Textile Agree-
ments, and Deputy Assistant Sec-
retary for Resources and Trade
Assistance, U.S. Department of
Commerce.

[FR Doc.75-15970 Filed 6-18-75; 8:45 am]

COMMODITY FUTURES TRADING COMMISSION

CONTRACT MARKET DESIGNATION

Request for Comments Respecting Public Interest Test

The Commodity Futures Trading Commission ("Commission") is, or shortly will be, reviewing applications for contract market designation submitted pursuant to section 6 of the Commodity Exchange Act and submissions by contract markets previously designated by the Secretary of Agriculture. The Commission is inviting public comment to assist it in determining whether (1) transactions for future delivery in commodities for which designation is sought, and (2) transactions for future delivery in commodities for which continued compliance with new designation requirements is being reviewed, will not be contrary to the public interest.

As the Commission has previously indicated, those contract market designations issued by the Secretary of Agriculture prior to April 21, 1975, continue in effect pursuant to section 411 of the Commodity Futures Trading Commission Act ("CFTCA"). However, those contract markets have been requested to submit material showing that they will be in compliance with the new designation conditions and requirements imposed by

the CFTCA. The exchanges and the commodities for which they were previously designated as contract markets are:

- (1) The Board of Trade of the City of Chicago, Chicago, Illinois, as a contract market for corn, oats, soybeans, soybean meal, soybean oil, and wheat;
- (2) The Board of Trade of Kansas City, Missouri, Inc., Kansas City, Missouri, as a contract market for corn, grain sorghums, soybeans, and wheat;
- (3) The Chicago Mercantile Exchange, Inc., Chicago, Illinois, as a contract market for butter, cattle, eggs, frozen boneless beef, frozen pork bellies, frozen skinned hams, grain sorghums, Idaho potatoes, and live hogs;
- (4) The Citrus Associates of the New York Cotton Exchange, Inc., New York, New York, as a contract market for frozen concentrated orange juice;
- (5) The MidAmerica Commodity Exchange, Chicago, Illinois, as a contract market for corn, live hogs, oats, soybeans, and wheat;
- (6) The Minneapolis Grain Exchange, Minneapolis, Minnesota, as a contract market for barley, corn, flaxseed, frozen pork bellies, oats, rye, soybeans, and wheat;
- (7) The New York Cotton Exchange, Inc., New York, New York, as a contract market for cotton;
- (8) The New York Mercantile Exchange, New York, New York, as a contract market for butter, frozen boneless beef, and potatoes;
- (9) The Pacific Commodities Exchange, Inc., San Francisco, California, as a contract market for cattle, coconut oil, eggs, and palm oil; and
- (10) The Wool Associates of the New York Cotton Exchange, Inc., New York, New York, as a contract market for wool.

The following have applied for contract market designation pursuant to section 6 of the Commodity Exchange Act for the commodities listed:

- (1) The American Board of Trade, Inc., New York, New York, as a contract market for British Pound Sterling, Canadian Dollar, French Franc, German Mark, gold, Italian Lira, Japanese Yen, silver bullion, silver coins, and Swiss Franc;
- (2) The Board of Trade of the City of Chicago, Chicago, Illinois, as a contract market for gold, iced broilers, mortgages, plywood, silver, and stud lumber;
- (3) The Chicago Mercantile Exchange, Inc., Chicago, Illinois, as a contract market for lumber and turkeys;
- (4) The Commodity Exchange, Inc., New York, New York, as a contract market for copper, gold, mercury, rubber, and silver;
- (5) The International Monetary Market of the Chicago Mercantile Exchange, Inc., Chicago, Illinois, as a contract market for Canadian Dollars, copper, Dutch Guilders, French Francs, German Deutsche Marks, gold, Japanese Yen, Mexican Pesos, Pounds Sterling, Swiss Francs, and United States silver coins;
- (6) The MidAmerica Commodity Exchange, Chicago, Illinois, as a contract market for gold, silver, and United States silver coins;
- (7) The New York Cocoa Exchange, Inc., New York, New York, as a contract market for cocoa and natural rubber;
- (8) The New York Coffee and Sugar Exchange, Inc., New York, New York, as a contract market for coffee and sugar;
- (9) The New York Mercantile Exchange, New York, New York, as a contract market for Belgian Franc (Commercial), British Pound Sterling, Canadian Dollar, Deutsche Mark, Dutch Guilder, gold, heating oil, in-

dustrial fuel oil, Italian Lira, Japanese Yen, Mexican Peso, palladium, platinum, Swiss Franc, and United States silver coins;

(10) The Pacific Commodities Exchange, Inc., San Francisco, California, as a contract market for silver; and

(11) The Petroleum Associates of the New York Cotton Exchange, Inc., New York, New York, as a contract market for crude oil, and liquefied propane gas.

The Commission is inviting comment from all interested persons in order to assist the Commission in determining whether the futures contracts of the entities listed above meet the public interest requirements for contract market designation, which includes an "economic purpose" test, established by the CFTCA. To assist persons in preparing their comments, the Commission has set forth below the economic purpose and public interest guideline which it sent to each of the entities listed above in mid-May 1975, and will make available copies of their rules for inspection at the office of the Commission in the city in which they are located. The Commission is especially interested in receiving comments from producers, merchants, processors, and consumers.

The Commission has decided to review the applications of markets which have been provisionally designated pursuant to § 1.52 of the regulations under the Act before it reviews the submissions of previously designated markets because the former might be in jeopardy of losing their designation status on July 18, 1975, if the Commission does not act, while the designations of the latter markets will continue. Therefore, while the Commission is attempting to review all applications and submissions before July 18, 1975, it is possible that because of the amount of work, the submissions by previously designated markets will be considered subsequent to July 18. It is intended that applications regarding options will be covered by a separate notice for public comment at a later date. Furthermore, although the Commission will review the rules of exchanges for purposes of contract market designation and to determine continual compliance with the conditions and requirements for designation, it intends to do an additional, and in some instances more in depth, review pursuant to section 5a(12) of the Commodity Exchange Act of all such rules which relate to terms and conditions in contracts of sale or relate to other trading requirements.

Written statements should be mailed to the Commodity Futures Trading Commission, 1120 Connecticut Avenue NW., Washington, D.C. 20036, prior to July 7, 1975. Copies of all written comments made pursuant to this notice will be made available for public inspection at the Commission's Washington office, during regular business hours.

Issued in Washington, D.C., on June 16, 1975.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures
Trading Commission.

GUIDELINE ON ECONOMIC AND PUBLIC INTEREST REQUIREMENTS FOR CONTRACT MARKET DESIGNATION

This attachment sets forth types of information which must be submitted by a board of trade to obtain designation as a contract market under the Commodity Exchange Act and to justify its continued designation.¹ The provisions of the Act that apply to the economic requirements for initial and continued designation include: Sections 5 (a), (d), (g), and 5a(10).²

Information which must be provided by a board of trade under these provisions of the Act is of three types:

A. The board of trade must demonstrate that the existing or proposed contract meets the test of "economic purpose."

B. The board of trade must establish the commercial viability of the contract by justifying individual contract terms and conditions.

C. The board of trade must affirm that its designation or continued designation as a contract market will not be contrary to the public interest.

After designation, a contract market is required to recognize changing market conditions and make the necessary adjustments in contract terms and conditions. The failure to make such changes could constitute a basis for revocation or suspension of designation as a contract market, or alteration of exchange rules.

The remainder of this attachment describes in more detail information to be submitted by a board of trade in each of the three areas to obtain initial designation, and retain continued designation, as a contract market.

A. *Economic purpose test.* Section 5(g) of the Act makes it a condition of initial and continuing designation that the board of trade demonstrate that transactions for future delivery in the commodity will not be contrary to the public interest.

When Congress added this provision to the Act in 1974, the House and Senate Conferees said the language in section 5(g) included the concept of an "economic purpose" test. Therefore, to be designated as a contract market, a board of trade must demonstrate that it meets the "economic purpose" test. The board must provide evidence that:

1. The prices involved in transactions for future delivery in the commodity for which such designation is sought are, or reasonably can be expected to be, generally quoted and disseminated as a basis for determining prices to producers, merchants, or consumers of such commodity or the products or by-products thereof; or

2. Such transactions are, or reasonably can be expected to be, utilized by producers, merchants, or consumers engaged in handling such commodity (including the products, byproducts or source commodity thereof) in interstate (including foreign) commerce as a means of hedging themselves against possible loss through fluctuations in price.

To meet the "economic purpose" test, a board of trade is expected to establish that something more than occasional use of the contract for hedging or price basing exists, or can reasonably be expected to exist.

B. *Justification of individual contract terms and conditions.* Individual contract terms and conditions must be justified. The terms and conditions to be justified would

¹ See § 1.50 of the rules under the Act.

² See also, e.g., section 15 of the Act.

include, for many commodities, but would not necessarily be limited to, the following:

1. Complete specification of commodity characteristics for par delivery, such as grade, class or weight.

2. Commodity characteristics for deliveries differing from par specifications. The economic basis for establishing the respective premiums and discounts for delivery of above and below par specifications of the commodity must be provided by the exchange.

3. Delivery pack, such as 30 dozen cases of eggs. The basis for selection of units should be justified by the exchange.

4. Size of the contract unit. The justification must include, where relevant, a consideration of the typical commercial unit, usual means of transportation for the commodity and the size of loads normally carried by such means, and, if a storage commodity, the size of the unit normally handled by commercial storage facilities.

5. Inspection and/or certification procedures for verification of contract requirements for delivery eligibility. For perishable commodities, the justification must include a consideration of the life of the inspection certificate, and any discounts applied to deliveries of a given age.

6. Delivery points, considering:

a. Type of delivery facility, such as bank vault delivery for precious metals. The justification must include, where relevant, an explanation of: The number and total capacity of facilities meeting contract requirements; the proportion of such capacity expected to be available for short traders who may wish to make delivery against futures contracts, and seasonal changes in such proportion; and the extent to which ownership and/or control of such facilities is dispersed at each delivery point.

b. Geographical location of delivery point or points, where relevant. The justification must include, for each such point or points, an explanation of: The normal quantity of deliverable supplies, showing (where applicable) the seasonal distribution; nature of the cash market (such as an auction market or buying station, number of buyers and sellers, etc.); normal commercial practices in establishing cash commodity values; and the availability of published cash prices reflecting value of the deliverable commodity.

c. Locational differentials for delivery points, if any. The justification must include the reasons for selecting the par point or points and the rationale for differentials applying to delivery points at a premium or discount to the contract price (including any departure from commercial locational differences prevailing in the cash commodity market).

7. Negotiable instrument of delivery, such as a warehouse receipt, bill of lading, shipping certificate, demand certificate, etc.

8. Transportation status at place of delivery, such as FOB, CIF, proportional rail billing, freight paid to another destination, etc.

9. Delivery months in which trading will be allowed for seasonal commodities. The justification must consider the relationship of each such future to seasonal variations in deliverable supplies, availability of warehouse space or rail cars, cash market activity, and any other factors which may affect the viability of each such future.

10. Provision for payment of costs in making and taking delivery, considering the obligations of both the long and the short. The justification should include a detailed description of such costs such as inspection, certification, warehouse charges, rail freight charges, etc.

To justify these contract terms or conditions, a board of trade should submit information which demonstrates:

That each such term or condition is: (1) In conformity with normal commercial practices of the trade for the same cash commodity; or (2) if not in conformity, the reason that such term or condition is necessary or desirable in a futures contract which is to be used for pricing or hedging; and

That the contract terms and conditions, as a whole, will result in a deliverable supply which will not be conducive to price manipulation or distortion; and that such supplies can reasonably be expected to be available to the short trader and saleable by the long trader at their economic value in normal cash marketing channels.

The justification of each contract term or condition must be supported by appropriate economic data, where applicable. Whenever possible, these data should cover a period long enough to accurately show the historical pattern. If data to support the justification for a contract term or condition are not readily available, the board of trade is expected to make an attempt to obtain or develop such data, rather than submit a justification which is supported only by opinion. Interviews of, or statements by, people who have expertise pertaining to the particular term or condition may be used to supplement or—if absolutely necessary—substitute for, economic data.

C. *Affirmation of public interest.* While the Commission is not contemplating the issuance of guidelines as to those aspects of the public interest standard of section 5(g) not covered above, a board of trade may submit information it considers relevant to those aspects and, in any event, should at this time affirm that futures transactions in the commodity for which designation is sought are not, or are not reasonably expected to be, contrary to the public interest.

[FR Doc.75-16004 Filed 6-18-75; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 387-4]

CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND ENGINES

Public Hearing

Section 206(b) of the Clean Air Act, as amended, 42 U.S.C. 1857f-5(b), authorizes the Administrator of the Environmental Protection Agency to conduct or require emission testing of new motor vehicles in order to determine whether such motor vehicles are being manufactured in conformity with applicable regulations. On December 31, 1974, the Administrator, in order to implement section 206(b), proposed amendments and additions to Part 85 of the Code of Federal Regulations which would establish "Selective Enforcement Auditing Procedures" (SEA) applicable to such vehicles. (See 39 FR 45360.) A 60-day period was established to provide opportunity for the public to comment on the proposal. The comment period was extended for another 45 days on February 4, 1975, to allow interested persons to respond more fully. (See 40 FR 5169.)

Comments were received from most major auto manufacturers and several technical and administrative issues relating to the proposal were raised. A review of these comments by the Agency indicates that further discussion would aid in the resolution of these issues prior to promulgation of final regulations. There-

fore, the Agency hereby gives notice that a public hearing will be held at Room 3305, Waterside Mall Building, 401 M Street SW., Washington, D.C., commencing at 10 a.m. on July 22, 1975. The hearing will be limited to consideration of the following issues:

1. The application of deterioration factors to measured vehicle emissions.
2. Vehicle sampling plans.
3. Test procedures.
4. Implementation of engineering changes.
5. Mileage accumulation prior to testing.
6. Appropriate numerical levels for an "acceptable quality level" and associated costs.
7. An appropriate effective date for the SEA program.

The comments submitted by Ford Motor Company and General Motors Corporation include alternative sampling plans to the one proposed in the Selective Enforcement Auditing Procedures. Additionally, the Environmental Protection Agency is in the process of developing an alternative sampling plan which will be available for review June 30, 1975, upon request by contacting the Director, Mobile Source Enforcement Division, at the address below.

Norman D. Shutler, Director of the Mobile Source Enforcement Division of the Environmental Protection Agency has been designated as the Presiding Officer and will conduct the hearing. He will have the responsibility for maintaining order, excluding irrelevant or repetitious material, scheduling presentations, and, to the extent possible, notifying participants of the time at which they may appear. The hearings will be conducted informally; technical rules of evidence will not apply. Any person desiring to make a statement at the hearing or to submit material for the record should file a notice of such intention and, if practicable, five copies of this proposed statement (and other related material) with the Director, Mobile Source Enforcement Division (EG-340), Environmental Protection Agency, Room 3220, 401 M Street SW., Washington, D.C. 20460, not later than July 18, 1975.

Copies of all written comments received and relevant regulations will be available for public inspection during normal working hours in the Freedom of Information Center, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, except to the extent a request for confidential treatment has been granted in accordance with the Agency's published guidelines.

Since the public hearing is designed to give interested persons an opportunity to participate in this proceeding by the presentation of data, views, arguments, or other information relevant to the above listed technical and administrative issues, there are no adversary parties as such. Statements by the participants will not be made under oath and the participants will not be subject to cross-examination; however, discussion between the participants and panel members is expected.

In order to assure full opportunity for the presentation of data, views, and ar-

guments by participants, the Presiding Officer will, upon request of the participants, allow a reasonable time after the close of the hearing for the submission of additional pertinent information to be included as part of the record of the public hearing.

A verbatim record of the proceeding will be made and a copy of the transcript will be made available on request at the expense of the person so requesting.

The information adduced at the hearing will become part of the basis upon which final regulations will be promulgated. In addition, information contained in the public comments and other scientific, engineering and related pertinent information not included in the transcript of the public hearing may be considered in promulgating the final rules.

Dated: June 12, 1975.

ROBERT BAUM,
Acting Assistant Administrator
for Enforcement.

[FR Doc. 75-16038 Filed 6-18-75; 8:45 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder
License No. 1383]

ROLANDO EXPORT DOCUMENTATION AND ROLANDO ROQUETA

Revocation

By letter dated May 9, 1975, Rolando Export Documentation, Rolando Roqueta d/b/a, 5438 W. 104th Street, Los Angeles, California 90045 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1383 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before June 6, 1975.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Rolando Export Documentation has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(g) (dated September 15, 1973);

It is ordered, That Independent Ocean Freight Forwarder License No. 1383 of Rolando Export Documentation Rolando Roqueta d/b/a be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1383 be and is hereby revoked effective June 6, 1975.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Rolando Ex-

port Documentation, Rolando Roqueta d/b/a.

ROBERT S. HOPE,
Managing Director.

[FR Doc. 75-15991 Filed 6-18-75; 8:45 am]

[Independent Ocean Freight Forwarder
License No. 726]

W. HEIMANN, INC.

Revocation

W. Heimann, Inc., 30 Vesey Street, New York, New York 10007 voluntarily surrendered its Independent Ocean Freight Forwarder License No. 726 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(f) (dated 9/15/73);

It is ordered, That Independent Ocean Freight Forwarder License No. 726 of W. Heimann, Inc. be and is hereby revoked effective June 10, 1975, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon W. Heimann, Inc.

ROBERT S. HOPE,
Managing Director.

[FR Doc. 75-15992 Filed 6-18-75; 8:45 am]

SOUTH CAROLINA STATE PORTS AUTHORITY AND MOLLER STEAMSHIP CO., INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington Office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 9, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Marion S. Moore, Jr., Traffic Manager
South Carolina State Ports Authority
P.O. Box 817
Charleston, South Carolina 29402

Agreement No. T-3105, between South Carolina State Ports Authority (Authority) and Moller Steamship Co., Inc. (Moller), as agent for Maersk Line, provides for the two-year preferential use (with renewal options) of Berth No. 1 at the Authority's Columbus Street Terminal. This preferential use is limited to one day each week. The premises will be used for the docking, mooring, supplying, loading and unloading of container vessels. As compensation, Moller will pay Authority wharfage at the Authority's tariff rate effective June 1, 1975, subject to a minimum annual guarantee, as provided for in the basic agreement. In addition, Moller shall be responsible for the payment to Authority of dockage, as well as any other services it requires, in accordance with the Authority's published tariff.

Dated: June 16, 1975.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 75-15990 Filed 6-18-75; 8:45 am]

FEDERAL MEDIATION AND CONCILIATION SERVICE

HEALTH CARE INDUSTRY LABOR-MANAGEMENT ADVISORY COMMITTEE

Meeting

Notice is hereby given that the Federal Mediation and Conciliation Service Health Care Industry Labor-Management Advisory Committee in accordance with section 10 of the Federal Advisory Committee Act of October 6, 1972 (Pub. Law 92-463, 86 Stat. 770-776), will meet on Tuesday, July 22, 1975, starting at 10 a.m., in Conference Room 1104, 14th and Constitution Avenue, NW., Washington, D.C.

The agenda will include presentations and discussions related to:

1. Experience in the first year of administering the health care amendments.
2. Procedural matters and development of policies and methods for handling issues in future meetings.
3. Appropriate level of staff participation at future meetings.
4. Establishment of goals or objectives for the committee.

The meeting shall be open to the public.

Communications regarding this meeting should be addressed as follows:

Mr. Lawrence B. Babcock, Jr.
Executive Assistant to the National Director
Federal Mediation and Conciliation Service
Washington, D.C. 20427

Signed at Washington, D.C., this sixteenth day of June 1975.

W. J. USERY, Jr.,
National Director.

[FR Doc. 75-16037 Filed 6-18-75; 8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP72-122, PGA75-8]

COLORADO INTERSTATE GAS CO.

Proposed Change in Rates Under Purchased Gas Adjustment Clause Provisions

JUNE 12, 1975.

Take notice that Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), on June 6, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1. The proposed changes would increase the commodity rate under each of CIG's jurisdictional rate schedules by 3.73 cents per Mcf.

CIG states that the filing is made pursuant to the provisions of Section 21 of CIG's FPC Gas Tariff, Second Revised Volume No. 1, and is solely for the purpose of compensating CIG for increased costs from one of its pipeline suppliers, Northwest Pipeline Corporation. The filing is proposed to be effective on August 1, 1975, the anticipated date of the Northwest increase to CIG, or on such other date the Northwest increase is permitted to go into effect.

Copies of the filing have been served upon the Company's jurisdictional customers and other interested persons, including public bodies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 1, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[PR Doc.75-16006 Filed 6-18-75;8:45 am]

[Project No. 2110]

CONSOLIDATED WATER POWER CO.

Issuance of Annual License

JUNE 13, 1975.

On February 10, 1969, Consolidated Water Power Company, Licensee for Stevens Point Project No. 2110, located in Portage County, Wisconsin, on the Wisconsin River, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6).

The License for Project No. 2110 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration, the Project has been under annual license. In order to authorize the continued operation and maintenance of the Project pursuant to

Section 15 of the Act, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Consolidated Water Power Company for continued operation and maintenance of Project No. 2110.

Take notice that an annual license is issued to Consolidated Water Power Company (Licensee) under Section 15 of the Federal Power Act for the period July 1, 1975 to June 30, 1976, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Stevens Point Project No. 2110, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[PR Doc.75-16007 Filed 6-18-75;8:45 am]

[Docket No. RP75-94]

GREAT LAKES GAS TRANSMISSION CO.

Order Accepting for Filing and Suspending Proposed Rate Increase, Granting Waiver, Permitting Interventions, and Establishing Procedures

JUNE 13, 1975.

On April 30, 1975, Great Lakes Gas Transmission Company (Great Lakes) tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2¹ which would result in increased jurisdictional revenues of \$12,000,000 based on sales and transportation volumes for the test year ended December 31, 1974, as adjusted. Great Lakes states the proposed increase is necessary to recover a revenue deficiency which is a result of a) an increase in the overall return requirement based on a rate of return of 10.75% on the test period rate base; b) an increase in the depreciation rate applicable to its transmission facilities from 3.75% per annum to 4.65 percent per annum; and c) increases in costs of labor, materials, supplies, ad valorem, payroll and income taxes and other operating expenses.

Great Lakes has requested an effective date of June 14, 1975 for its filing.

Notice of Great Lakes' April 30, 1975 filing was issued May 8, 1975, with any comments, protests or petitions to intervene due on or before May 23, 1975. The Commission has received timely petitions to intervene filed on behalf of Northern Natural Gas Company, Transcanada Pipelines Limited, Natural Gas Pipeline Company of America, and Michigan Consolidated Gas Company. A timely notice of intervention was filed by Michigan Public Service Commission.

¹ Fourth Revised Sheet No. 4, First Revised Sheet No. 11 and Sixteenth Revised Sheet No. 57 to its FPC Gas Tariff, First Revised Volume No. 1; and Tenth Revised Sheet No. 53, Second Revised Sheet No. 53-P, First Revised Sheet No. 53-G and First Revised Sheet No. 77 to its FPC Gas Tariff, Original Volume No. 2.

Upon a review of Great Lakes' proposed rate increase, we find that the requested rate increase has not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. We shall therefore suspend the effectiveness of the proposed tariff sheets for a period of five months and permit them to go into effect subject to refund.

Great Lakes points out that its filing reflects costs and service related to the first phase of the "Capac Project", consisting of an 8,000 H.P. compressor addition, for which an application for a certificate of public convenience and necessity was filed by Great Lakes on June 7, 1974 in Docket No. CP74-317. Great Lakes states that the necessary construction and commencement of the service are expected to be completed before the end of the test period. Great Lakes therefore requests a waiver of § 154.63(e) (2) (ii) of our Regulations in order to permit the inclusion of this facility in the filing. We shall grant Great Lakes' request for waiver of our Regulations to permit the costs of this facility in their present filing. Should, however, these facilities not be constructed and in service by the end of the suspension period ordered herein, we shall require Great Lakes to amend its filing to reflect exclusion of these costs.

We note that the rate design included in the instant filing reflects the unmodified Seaboard method of cost classification and cost allocation.

In Opinion No. 671 we expressed our concern over the worsening gas supply situation and particularly as it existed on United's system. Based upon the record in that case we concluded that more weight should be given to annual use of United's pipeline system than is characteristic of the unmodified Seaboard methodology. Therefore, we assigned 75 percent of fixed costs to the commodity component of two-part rates and to the straight-line rates. Part of our rationale was that in view of the gas supply shortage, low priority usage should be discouraged and the price gap between natural gas and alternative fuels in the interruptible industrial market should, at the minimum, be narrowed.

In light of our policy of considering competitive fuel prices in setting commodity rate levels and of the present supply and market conditions on the Great Lakes' system, all parties to this proceeding should direct their attention, and file any evidence they wish to submit, as to the propriety of the continued use of the Seaboard method of cost classification and allocation, as well as to the propriety of Great Lakes' rate design proposed herein. Further, we urge all parties to suggest alternative methods of cost classification, allocation and rate design which they believe may more closely reflect or implement the Commission's objectives in this area.² In this

² See Footnote 3 in our order of May 31, 1974, in Columbia Gas Transmission Co. et al., Docket Nos. RP74-52 and RP74-81.

connection we refer the parties to our recent rulemaking Docket No. RM75-19 issued February 20, 1975.

We note further that Great Lakes, which has tendered its filing forty-five days prior to its proposed effective date, has requested waiver of § 154.63(b) (3) of our regulations which requires Statement P to be filed no later than 15 days after the date of the filing. Since Great Lakes tendered Statement P for filing on May 14, 1975, and is therefore in substantial compliance with our Regulations, we need not grant the requested waiver.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Great Lakes' FPC Gas Tariff, as proposed to be amended in Docket No. RP75-94, and that the tendered tariff sheets be accepted for filing as hereinafter conditioned and suspended as hereinafter provided.

(2) Good cause exists to grant the petitions to intervene filed by the petitioners listed above.

(3) Good cause exists to grant waiver of § 154.63(e) (2) (ii) of our regulations subject to the condition hereinafter ordered.

The Commission orders: (A) Great Lakes' tariff sheets proffered in Docket No. RP75-94 are accepted for filing and suspended for the full statutory period of five months until November 14, 1975, subject to the terms and conditions of this order.

(B) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 5 thereof, the Commission's Rules of Practice and Procedure, and the Regulations Under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held on November 11, 1975, at 10 A.M., prevailing time, in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classification, and services contained in Great Lakes' FPC Gas Tariff, as proposed to be amended herein.

(C) On or before September 30, 1975, the Commission Staff shall serve its prepared testimony and exhibits. Prepared testimony and exhibits of intervenors shall be served on or before October 14, 1975. Company rebuttal shall be served October 28, 1975.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe necessary procedures not provided for by this order, and shall otherwise conduct the hearing in accordance with the terms of this order and the Commission's Rules and Regulations.

(E) Pending hearing and a decision thereon, the subject tariff sheets tendered by Great Lakes are suspended for five months, the use thereof deferred un-

til November 14, 1975, or until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(F) We hereby grant Great Lakes' request for waiver of § 154.63(e) (2) (ii) of our regulations to permit Great Lakes to include in its filing the costs associated with the uncertificated facilities subject to the proceedings in Docket No. CP74-317. *Provided, however*, that before November 14, 1975, Great Lakes shall file substitute tariff sheets reflecting the exclusion of costs related to those facilities in the event they have not been certificated and placed into service as of November 14, 1975.

(G) The petitions to intervene filed on behalf of the above named petitioners are hereby granted.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-16008 Filed 6-18-75;8:45 am]

[Project No. 420]

CITY OF KETCHIKAN, ALASKA

Issuance of Annual License

JUNE 13, 1975.

On August 31, 1970, City of Ketchikan, Alaska, Licensee for Ketchikan Lakes Project No. 420, located in the vicinity of Ketchikan, Alaska, on the Ketchikan Creek, filed an application for a new license under Section 15 of the Federal Power Act and Commission Regulations thereunder (§§ 16.1-16.6).

The License for Project No. 420 was issued effective July 1, 1928, for a period ending June 30, 1970. Since the original date of expiration, the Project has been under annual license. In order to authorize the continued operation and maintenance of the Project pursuant to section 15 of the Act, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to the City of Ketchikan, Alaska for continued operation and maintenance of Project No. 420.

Take notice that an annual license is issued to the City of Ketchikan, Alaska (Licensee) under section 15 of the Federal Power Act for the period July 1, 1975, to June 30, 1976, or until the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Ketchikan Lakes Project No. 420, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-16005 Filed 6-18-75;8:45 am]

[Project No. 1904]

NEW ENGLAND POWER CO.

Issuance of Annual License

JUNE 13, 1975.

On June 23, 1969, New England Power Company, Licensee for Vernon Project

No. 1904, located in Cheshire County, New Hampshire and Windham County, Vermont, near Hinsdale, Chesterfield, Westmoreland, and Walpole, New Hampshire and Vernon, Brattleboro, Dummerston, Putney, and Westminster, Vermont, on the Connecticut River, filed an application for a new license under Section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6).

The License for Project No. 1904 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration, the Project has been under annual license. In order to authorize the continued operation and maintenance of the Project pursuant to section 15 of the Act, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to New England Power Company for continued operation and maintenance of Project No. 1904.

Take notice that an annual license is issued to New England Power Company (Licensee) under Section 15 of the Federal Power Act for the period July 1, 1975, to June 30, 1976, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Vernon Project No. 1904, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-16009 Filed 6-18-75;8:45 am]

[Docket No. E-9306]

NEVADA POWER CO.

Order Granting Intervention

JUNE 13, 1975.

On April 9, 1975, California-Pacific Utilities (C-P) petitioned the Commission for leave to intervene in this docketed matter of Nevada Power Company's (Nevada) tender for filing of notice of termination of its contract to supply C-P electric power and energy for resale to the public of Henderson, Nevada, designated Nevada Rate Schedule FPC No. 2.

The petition states that C-P is regulated in its public utility operations in the State of Nevada by the Nevada Public Service Commission and that C-P holds certificates of public convenience and necessity issued by such Commission authorizing it to engage in the distribution and sale of electric energy in the areas it there serves. C-P further states that under contract dated June 1, 1955, amended by letter agreement dated June 11, 1965, designated Nevada Rate Schedule FPC No. 2, Nevada supplies power to C-P for resale to its customers served by its Henderson, Nevada system.

Because petitioner has alleged a substantial interest in the subject matter before the Commission in this proceeding and, moreover, because such interest is not presently represented in this proceeding it is appropriate and in the public interest to grant this petition for intervention.

The Commission finds: It is in the public interest to allow the above-named petitioner to intervene.

The Commission orders: (A) The above-named petitioner is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; provided, however, That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and Provided, further, That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[PR Doc.75-16010 Filed 6-18-75; 8:45 am]

[Project No. 1892]

NEW ENGLAND POWER CO.

Issuance of Annual License

JUNE 13, 1975.

On June 23, 1969, New England Power Company, Licensee for Wilder Project No. 1892, located in Orange and Windsor Counties, Vermont and Cheshire, Grafton and Sullivan Counties, New Hampshire, on the Connecticut River, filed an application for a new license under Section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6).

The License for Project No. 1892 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration, the Project has been under annual license. In order to authorize the continued operation and maintenance of the Project pursuant to section 15 of the Act, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to New England Power Company for continued operation and maintenance of Project No. 1892.

Take notice that an annual license is issued to New England Power Company (Licensee) under Section 15 of the Federal Power Act for the period July 1, 1975, to June 30, 1976, or until Federal take-over, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Wilder Project No. 1892, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[PR Doc.75-16011 Filed 6-18-75; 8:45 am]

[Docket No. RP75-89]

NORTHERN NATURAL GAS CO.

Order Granting Interventions

JUNE 13, 1975.

On April 11, 1975, Northern Natural Gas Company (Northern), tendered for filing a proposed increase in its jurisdictional rates.

Notice of Northern's filing was issued by the Commission on April 18, 1975, with protests and petitions to intervene due on or before May 1, 1975.

Various timely and untimely petitions to intervene and notices of intervention were filed by the customers and state commissions listed in the margin.¹

Having reviewed the above petitions to intervene, we believe that the petitioners have sufficient interest in the proceedings to warrant interventions.

The Commission finds: Good cause exists to permit the above-named petitioners to intervene.

The Commission orders: (A) The above-named petitioners are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; provided, however, That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and Provided, further, That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The interventions granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[PR Doc.75-16012 Filed 6-18-75; 8:45 am]

[Docket No. RP75-87]

NORTHERN NATURAL GAS CO.

Order Granting Petitions To Intervene

JUNE 13, 1975.

On March 31, 1975, Northern Natural Gas Company (Northern) filed a Peti-

¹ North Central Public Service Corporation, Michigan Power Company, Great Plains Natural Gas Company, Interstate Power Company, Iowa Power and Light Company, Wisconsin Power and Light Company, Wisconsin Southern Gas Company, Inc., Iowa Electric Light and Power Company, Kansas-Nebraska Natural Gas Company, Northern States Power Company (Minnesota), Northern States Power Company (Wisconsin), Iowa Public Service Company, St. Croix Valley Natural Gas Company, Inc., Illinois Commerce Commission, Iowa State Commerce Commission, and Kansas State Corporation Commission.

tion for Expedited Hearing and Decision in the instant docket. Notice of this petition was issued April 8, 1975, with protests or petitions to intervene due on or before April 22, 1975. An untimely notice of intervention was filed by the Iowa State Commerce Commission. An untimely petition to intervene was filed by North Central Public Service Company. We believe that good cause exists to permit the intervention of these parties.

The Commission finds: Good cause exists to permit the above petitioners to intervene.

The Commission orders: (A) The above-named petitioners are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; provided, however, That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and Provided, further, That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[PR Doc.75-16013 Filed 6-18-75; 8:45 am]

[Docket No. CP75-353]

NORTHWEST PIPELINE CORP.

Application

JUNE 12, 1975.

Take notice that on June 2, 1975, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP75-353 an application pursuant to Section 7(b) of the Natural Gas Act requesting permission and approval to abandon the availability of service under Applicant's Rate Schedules PL-4 and PL-5, all as more fully set forth in the application which is on file with the Commission, and open to public inspection.

Applicant states that effective October 16, 1974, Applicant ceased the sale and delivery of natural gas to Southwest Gas Corporation (Southwest) pursuant to Rate Schedules PL-4 and PL-5 and commenced delivery to Southwest under Applicant's Rate Schedule ODL-1 in lieu thereof pursuant to authorization granted by order issued October 17, 1974, in Docket No. CP75-74. Applicant further states that Rate Schedules PL-4 and PL-5 are applicable only to sales to Southwest and are now therefore superfluous.

Applicant requests permission to cancel the Rate Schedules PL-4 and PL-5 and states further that the requested change will not affect any of Applicant's transmission facilities, nor result in the termination or diminution of any service presently rendered to any customer.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 2, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-16014 Filed 6-18-75; 8:45 am]

[Docket No. E-8383]

PUBLIC SERVICE COMPANY OF COLORADO

Further Extension of Procedural Dates

JUNE 11, 1975.

On June 6, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 30, 1974, as most recently modified by notice issued May 8, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, July 21, 1975.
Service of Intervenor Testimony, July 28, 1975.

Service of Company Rebuttal, August 4, 1975.

Hearing, August 18, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-16015 Filed 6-18-75; 8:45 am]

[Project No. 1893]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Issuance of Annual License

JUNE 13, 1975.

On June 27, 1969, Public Service Company of New Hampshire, Licensee for Amoskeag Project No. 1893, located in Hillsborough and Merrimack Counties, New Hampshire, on the Merrimack River, filed an application for a new license under section 15 of the Federal Power Act and Commission Regulations thereunder (§§ 16.1-16.6).

The License for Project No. 1893 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration, the Project has been under annual license. In order to authorize the continued operation and maintenance of the Project pursuant to Section 15 of the Act, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Public Service Company of New Hampshire for continued operation and maintenance of Project No. 1893.

Take notice that an annual license is issued to Public Service Company of New Hampshire (Licensee) under Section 15 of the Federal Power Act for the period July 1, 1975, to June 30, 1976, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Amoskeag Project No. 1893, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-16016 Filed 6-18-75; 8:45 am]

[Project No. 1913]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Issuance of Annual License

JUNE 13, 1975.

On June 27, 1969, Public Service Company of New Hampshire, Licensee for Hookset Project No. 1913, located in Merrimack County, New Hampshire, on the Merrimack River, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6).

The License for Project No. 1913 was issued effective January 1, 1938 for a period ending June 30, 1970. Since the original date of expiration, the Project has been under annual license. In order to authorize the continued operation and maintenance of the Project pursuant to Section 15 of the Act, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Public Service Company of New Hampshire for continued operation and maintenance of Project No. 1913.

Take notice that an annual license is issued to Public Service Company of New Hampshire (Licensee) under Section 15

of the Federal Power Act for the period July 1, 1975, to June 30, 1976, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Hookset Project No. 1913, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-16017 Filed 6-18-75; 8:45 am]

[Project No. 2333]

RUMFORD FALLS POWER CO.

Application for Permission To Convey Project Land and To Use Project Land and Waters for Non-Project Purposes

JUNE 13, 1975.

Public notice is hereby given that Application for Permission to Convey Project Land and to Use Project Land and Waters for Non-Project Purposes was filed on April 9, 1975, under the Federal Power Act (16 U.S.C. 791a-825r) by Rumford Falls Power Company (Correspondence to: Richard E. Whiting, Esq., Whiting & Kendall, 44 Lowell Street, Rumford, Maine 04276 and Arnold H. Quint, Esq., Hutton, Williams, Gay and Gibson, Suite 1060, 1730 Pennsylvania Avenue NW., Washington D.C. 20006, with copy to James U. Jensen, Esq., Ethyl Corporation, 330 South Fourth Street, Richmond, Virginia 23219) located in the Town of Rumford Falls, Maine on the Androscoggin River.

Applicant requests Commission approval of its proposal to convey project land in fee, to grant easements over project lands and to discharge treated industrial waste into the waters of Project No. 2333, downstream of the Lower Station (Powerhouse).

This proposal would permit the Applicant's parent corporation, Ethyl Corporation (Ethyl), to complete waste water treatment facilities at Ethyl's Oxford Paper Company (Oxford) pulp and paper complex in Rumford, Maine. Approximately 0.6 acres of project land would be conveyed in fee for construction of a portion of secondary effluent treatment facilities of Oxford's industrial pollution abatement project, specifically the secondary clarifier. An easement would be granted to Ethyl for the installation of pipes from the secondary clarifier abutting the project land to the aeration basin located on the south side of the project lands. A second easement would permit installation of an effluent pipe from the secondary treatment facility to the outfall at the Androscoggin River.

Oxford Paper Company was granted on March 29, 1973, three Waste Discharge License Certificates (Licenses Nos. 283, 261, and 260) by the Maine Department of Environmental Protection to discharge: (1) 25 million gallons per day of treated process waste waters from a pulp and paper complex; (2) 8 million gallons per day of uncontaminated cooling water from a pulp and paper complex; and (3)

10 million gallons per day of cooling water from Turbine Condenser and Lime Kiln into the Androscoggin River at the Lower Station of the project. In addition, a NPDES Permit (ME0002054) was granted on August 8, 1973, to Oxford by the U.S. Environmental Protection Agency.

Any persons desiring to be heard or to make any protest with reference to said application should on or before July 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR § 1.8 or § 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by sections 308 and 309 of the Federal Power Act (16 U.S.C. § 825g, § 825h) and the Commission's rules of practice and procedure, specifically § 1.32(b) (18 CFR § 1.32(b)), as amended by Order No. 518, a hearing may be held without further notice before the Commission on this application if no issue of substance is raised by any request to be heard, protest or petition filed subsequent to this notice within the time required herein and if the applicant or initial pleader requests that the shortened procedure of § 1.32(b) be used. If an issue of substance is so raised or applicant or initial pleader fails to request the shortened procedure, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant or initial pleader to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-16018 Filed 6-18-75; 8:45 am]

[Project No. 1895]

SOUTH CAROLINA ELECTRIC & GAS CO. **Issuance of Annual License**

JUNE 13, 1975.

On June 19, 1969, South Carolina Electric & Gas Company, Licensee for Columbia Project No. 1895, located in Richland County, South Carolina, in part within the city limits of Columbia, on the Broad and Congaree Rivers, filed an application for a new license under section 15 of the Federal Power Act and Commission Regulations thereunder (§§ 16.1-16.6).

The License for Project No. 1895 was issued effective January 1, 1938 for a

period ending June 30, 1970. Since the original date of expiration, the Project has been under annual license. In order to authorize the continued operation and maintenance of the Project pursuant to Section 15 of the Act, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to South Carolina Electric & Gas Company for continued operation and maintenance of Project No. 1895.

Take notice that an annual license is issued to South Carolina Electric & Gas Company (Licensee) under Section 15 of the Federal Power Act for the period July 1, 1975, to June 30, 1976, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Columbia Project No. 1895, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-16019 Filed 6-18-75; 8:45 am]

[Docket No. RP75-84]

SOUTHERN NATURAL GAS CO.

Order Granting Interventions

JUNE 13, 1975.

On March 31, 1975, the Southern Natural Gas Company (Southern) tendered for filing proposed changes in its FPC Gas Tariff, Sixth Revised Volume No. 1. Notice of Southern's filing was issued by the Commission on April 7, 1975 with protests and petitions to intervene due on or before April 25, 1975.

Untimely protests and petitions to intervene were filed by Bickerstaff Clay Products Company, Inc.; Hanna Steel Corporation; The Water, Light and Sinking Fund Commission of Dalton, Georgia; The Alabama Municipal Distributors Group;¹ and Chattanooga Gas Company. Having reviewed the above petitions to intervene, we believe that the petitioners have sufficient interest in the proceedings to warrant interventions.

The Commission finds: It is desirable and in the public interest to allow the above-named petitioners to intervene.

¹ The Alabama Municipal Distributors Group consists of the following municipalities and gas districts: Akron Alabaster, Aliceville, Berry, Boaz, Brookside, Calera, Camp Hill, Childersburg, Chilton County Gas District, Columbiana, Cordova, Cullman, Jefferson Counties Gas District, Dadeville, De Kalb-Cherokee Counties Gas District, Demopolis, Dora, Eclectic, Eden, Fayette, Fulton, Gadsden, Gordo, Graysville, Jacksonville, Jasper, Helena, Hokes Bluff, Lafayette, Lamar County Gas District, Lanette, Livingston, Marshall County Gas District, Montealegre, Mulga, Northwest Alabama Gas District, Oakman, Oak Ridge, Oneonta, Parrish, Pell City, Phenix City, Piedmont, Pleasant Grove, Quinton, Ragland, Scottsboro, Southeast Alabama Gas District, Steele, Sumiton, Sylacauga, Tallapoosa, Trussville, Union Springs, Vincent, Wilcox County Gas District, Wilton and York, Alabama, and West Point, Georgia.

The Commission orders: (A) The above-named petitioners are hereby permitted to intervene in these proceedings subject to the Rules and Regulations of the Commission; Provided, however, That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and Provided, further, That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The interventions granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-16020 Filed 6-18-75; 8:45 am]

[Docket No. RP75-75]

TRANSCONTINENTAL GAS PIPELINE CORP.

Order Granting Interventions

JUNE 13, 1975.

On March 14, 1975, the Transcontinental Gas Pipeline Corporation (Transco), tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2. Notice of Transco's filing was issued by the Commission on March 19, 1975, with protests and petitions to intervene due on or before April 2, 1975.

Untimely petitions to intervene were filed by Long Island Lighting Company, North Carolina Natural Gas Corporation and National Fuel Gas Supply Corporation. Having reviewed the above petitions to intervene, we believe that the petitioners have sufficient interest in the proceedings to warrant intervention.

The Commission finds: It is desirable and in the public interest to allow the above-named petitioners to intervene.

The Commission orders: (A) The above-named petitioners are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; Provided, however, That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and Provided, further, That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The interventions granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the **FEDERAL REGISTER**.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-16021 Filed 6-18-75; 8:45 am]

[Project No. 703]

UTAH POWER AND LIGHT CO.

Issuance of Annual License

JUNE 12, 1975.

On June 24, 1969, Utah Power and Light Company, Licensee for Paris Project No. 703, located in Bear Lake County, Idaho, on the Paris Creek, filed an application for a new license under the Federal Power Act and Commission Regulations thereunder.

The license for Project No. 703 was issued effective June 1, 1972, for a period ending June 30, 1970. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation and maintenance of the project, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Utah Power and Light Company for continued operation and maintenance of Project No. 703.

Take notice that an annual license is issued to Utah Power and Light Company (Licensee) for the period July 1, 1975, to June 30, 1976, unless during that period a new license for the project is issued, for the continued operation and maintenance of the Paris Project No. 703, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-16022 Filed 6-18-75; 8:45 am]

[Docket Nos. E-9437, E-9438, E-9439 and E-9440]

VERMONT ELECTRIC POWER CO., ET AL.

Order Accepting for Filing and Approving Initial Rates, and Granting Waiver of Notice

JUNE 11, 1975.

On May 12, 1975, Vermont Electric Power Company (VELCO) submitted for filing two initial agreements¹ providing for the sale of 30 MW and 50 MW to New Bedford and Holyoke, respectively from its entitlement in the Vermont Yankee Nuclear Plant for the period May 1, 1975 through October 31, 1975. Charges of \$270,000 per month to New Bedford and \$45,000 per month to Holyoke represent a pass-through of the amount billed to the Vermont sponsors by Vermont Yankee for the entitlements assigned to VELCO by the sponsors and are identical to charges by VELCO to PSNH for a similar sale.²

¹ Designated as Rate Schedule FPC No. 173 for service to New Bedford and as Rate Schedule FPC No. 174 for service to Holyoke.
² VELCO Rate Schedule FPC No. 171.

On May 12, 1975, Public Service Company of New Hampshire (PSNH) submitted for filing two initial agreements providing for transmission service to New Bedford and Holyoke relative to the purchases discussed above. The proposed monthly transmission charge of .25 cents per kilowatt mile is identical to that on file for similar PSNH wheeling agreements.³

Notice of the VELCO filings in Docket Nos. E-9437 and E-9438 were issued on May 20, 1975, with responses due on or before May 30, 1975. On May 30, 1975, the New England Coalition on Nuclear Pollution submitted a letter of protest, stating (1) that notice of VELCO's submittal did not appear in the **FEDERAL REGISTER** until two days prior to the expiration of the notice period, (2) that VELCO was selling the Vermont Yankee power at approximately 11 mills/kWh—a rate far below what Vermont ratepayers must pay for Yankee power, (3) that the proposed agreements would appear to force Vermont ratepayers to subsidize the low rates, (4) that the total cost of Vermont Yankee power should be disclosed and sales should be conditioned on a full payment of costs, and (5) that the Commission should investigate this matter.

Notice of the PSNH filings was issued on May 20, 1975, in Docket No. E-9439 and on May 22, 1975, in Docket No. E-9440 with comments due on or before June 10, 1975. No responses have been received.

VELCO and PSNH request waiver of the notice requirements to permit effective dates of May 1, 1975. The companies state that agreement as to the terms of the contract was reached fewer than 30 days prior to when service commenced.

After careful review of the allegations raised in the letter of protest submitted by the New England Coalition on Nuclear Pollution, we conclude the allegations set forth in it are unfounded and without basis in fact. Indeed, full cost support embodied in cost of service studies has been supplied by Vermont Yankee in previous filings reviewed and accepted by the Commission and establishing the legal rate from which the instant rates were derived. The rate filings herein tendered are a straight pass through of the Vermont Yankee power costs and, therefore, are not "a rate far below what Vermont ratepayers must pay for Vermont Yankee power," but are in fact the same rate.

Our review of VELCO's and PSNH's filings indicates that the initial rate schedules are just and reasonable. We shall therefore accept VELCO's and PSNH's May 12, 1975 filings and grant waiver of the 30 day notice requirement pursuant to Section 35.3 of the Regulations, permitting them to become effective as of May 1, 1975, without suspension.

³ PSNH Rate Schedule FPC Nos. 52, 68, 69, 73, 75, 76, and 77. The annual charge is equivalent to 32¢/kW for the 10.8 miles of transmission line involved in this service.

The Commission finds: (1) It is necessary and appropriate in the public interest and to aid in the enforcement of the Federal Power Act that the Commission accept for filing VELCO's and PSNH's May 12, 1975, filings respectively and permit the proposed rate schedules to become effective as of May 1, 1975, without suspension.

(2) Good cause exists to grant VELCO's and PSNH's request for waiver of the 30 day notice requirement, pursuant to § 35.3 of the Regulations.

The Commission orders: (A) Pursuant to the authority of the Federal Power Act, particularly section 205 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act, the Commission hereby accepts for filing VELCO's and PSNH's May 12, 1975, filings, respectively, and permits them to become effective as of May 1, 1975, without suspension.

(B) The Commission hereby grants the request for waiver of the 30 day notice requirement, pursuant to § 35.3 of the Regulations.

(C) The Secretary shall cause prompt publication of this order to be made in the **FEDERAL REGISTER**.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-16023 Filed 6-18-75; 8:45 am]

[Project No. 1957]

WISCONSIN PUBLIC SERVICE CORP.

Issuance of Annual License

JUNE 13, 1975.

On June 27, 1969, Wisconsin Public Service Corporation, Licensee for Otter Rapids Project No. 1957, located in Vilas County, Wisconsin, on the Wisconsin River, filed an application for a new license under section 15 of the Federal Power Act and Commission Regulations thereunder (§§ 16.1-16.6).

The License for Project No. 1957 was issued effective January 1, 1938 for a period ending June 30, 1970. Since the original date of expiration, the Project has been under annual license. In order to authorize the continued operation and maintenance of the Project pursuant to section 15 of the Act, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Wisconsin Public Service Corporation for continued operation and maintenance of Project No. 1957.

Take notice that an annual license is issued to Wisconsin Public Service Corporation (Licensee) under section 15 of the Federal Power Act for the period July 1, 1975 to June 30, 1976, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Otter Rapids Project No. 1957, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-16024 Filed 6-18-75; 8:45 am]

[Docket Nos. E-9420 and E-9421]

**YANKEE ATOMIC ELECTRIC POWER CO.
ET AL.****Order Granting Interventions**

JUNE 12, 1975.

On May 1, 1975, both the Yankee Atomic Electric Power Company (Yankee) and Public Service Company of New Hampshire (PSC) tendered for filing proposed rate increases.

Notice of PSC's and Yankee's filing was issued by the Commission on May 8 and 14, 1975, with protests and petitions to intervene due on or before May 19 and 23, 1975.

By order issued May 30, 1975 the two dockets represented by the filings were consolidated for purposes of hearing and decision. A timely petition to intervene has been filed by the Massachusetts Municipal customers.¹ Having reviewed the above petition to intervene, we believe that the petitioners have sufficient interest in the proceedings to warrant interventions.

The Commission finds: It is desirable and in the public interest to allow the above-named petitioners to intervene.

The Commission orders: (A) The above-named petitioners are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; Provided, however, That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and Provided, further, That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] **KENNETH F. PLUMB,**
Secretary.

[FR Doc.75-16025 Filed 6-18-75;8:45 am]

[Docket Nos. E-9420 and E-9421]

**YANKEE ATOMIC ELECTRIC POWER CO.
ET AL.****Order Setting Procedural Dates**

JUNE 12, 1975.

In our order issued May 30, 1975, in this docket we did not specify a time for

¹The names of the petitioners are the NEPCO Customer Rate Committee, and the electoral departments and plants of the Massachusetts towns and cities of Ashburnham, Boylston, Danvers, Georgetown, Groton, Hingham, Holden, Hudson, Hull, Ipswich, Littleton, Mansfield, Marblehead, Merrimack, Middleton, North Attleboro, Paxton, Peabody,

the serving of testimony and exhibits by any intervenor. We shall revise the procedural schedule to reflect a date for the service of any intervenor testimony and exhibits. The procedural schedule shall now be as follows:

Service of staff's direct case, October 3, 1975.
Service of any intervenor testimony and exhibits, October 24, 1975.

Service of any company rebuttal testimony and exhibits, November 7, 1975.
Hearing, November 18, 1975.

The Commission finds: The procedural dates in this case should be those set out above.

The Commission orders: (A) The procedural dates in this case are hereby ordered to be those set out above.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] **KENNETH F. PLUMB,**
Secretary.

[FR Doc.75-16026 Filed 6-18-75;8:45 am]

[Project No. 1888]

YORK HAVEN POWER CO.**Issuance of Annual License**

JUNE 13, 1975.

On June 30, 1969, York Haven Power Company, Licensee for York Haven Project No. 1888, located in Dauphin, Lancaster, and York Counties, in the region of the Cities of Harrisburg, Lancaster, and York, Pennsylvania, on the Susquehanna River, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6).

The License for Project No. 1888 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration, the Project has been under annual license. In order to authorize the continued operation and maintenance of the Project pursuant to Section 15 of the Act, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to York Haven Power Company for continued operation and maintenance of Project No. 1888.

Take notice that an annual license is issued to York Haven Power Company (Licensee) under section 15 of the Federal Power Act for the period July 1, 1975 to June 30, 1976, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the York Haven Project No. 1888, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-16027 Filed 6-18-75;8:45 am]

Princeton, Shrewsbury, Sterling, Templeton, Wakefield, and West Boylston, together with Littleton, New Hampshire, Manchester Electric Company, and New Hampshire Electric Cooperative.

[Docket No. E-8943]

HOLYOKE WATER POWER CO.**Settlement Conference**

JUNE 16, 1975.

Take notice that on Friday, June 20, 1975 in Room 8402 of the offices of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a settlement conference will be held to discuss the issues in this proceeding.

The conference will be held pursuant to § 1.18 (Conferences, Offers of Settlement) of the Commission's rules of practice and procedure (18 CFR 1.18). Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, such attendance at the conference will not be deemed to authorize such intervention as a party in the proceedings.

Copies of this notice are being mailed this date to all jurisdictional customers and interested State commissions.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-16155 Filed 6-17-75;4:17 pm]

[Docket No. CP75-16, Docket No. CP75-81, Docket No. CP75-104]

**NATURAL GAS PIPELINE COMPANY OF
AMERICA, ET AL.****Reconvening Public Informal Conference**

JUNE 16, 1975.

Take notice that on May 22, 1975, a public informal conference was convened, recessed to permit the applicants to meet separately on certain technical aspects and reconvened on June 12, 1975, with respect to the applications filed in Docket Nos. CP75-16, CP75-81 and CP75-104, to explore the possibility and feasibility of construction of, *inter alia*, a single project with appropriate transmission arrangements made for the other applicants.

At the latter meeting, applicants reported that substantial progress was being made with respect to the development of a possible alternative, joint approach to the three projects now contemplated. However, in view of the fact that applicants requested the opportunity for an additional technical meeting in which to develop an alternative proposal, the conference was recessed and the applicants scheduled a separate meeting of their technical personnel to be held at 9:30 a.m. on June 23, 1975, in the offices of United Gas Pipe Line Company, 1600 Southwest Tower, Houston, Texas 77002.

In order to facilitate the cooperative effort currently being undertaken, the public informal conference will reconvene at 10 a.m. on June 27, 1975, in room

¹Notices of the Public Informal Conference were published in the FEDERAL REGISTER on May 13, 1975, (40 FR 20806) and June 4, 1975, (40 FR 24055).

5200 at the Federal Power Commission,
825 North Capitol Street, NE., Washing-
ton, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-16154 Filed 6-17-75; 4:17 pm]

INTERNATIONAL TRADE COMMISSION

[AA1921-144]

WELT WORK SHOES FROM ROMANIA

Determination of No Injury or Likelihood Thereof or Prevention of Establishment

JUNE 13, 1975.

On March 13, 1975, the United States International Trade Commission received advice from the Treasury Department that welt work shoes from Romania are being, or are likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). Accordingly, the Commission, on March 19, 1975, instituted investigation No. AA1921-144 under section 201(a) of that Act to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such welt work shoes into the United States.

Notice of the institution of the investigation and of a public hearing to be held in connection therewith was published in the FEDERAL REGISTER of March 26, 1975 (40 FR 13359). The public hearing was held on May 6-7, 1975.

In arriving at its determination, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the investigation, the Commission has determined, by a vote of 4 to 2,¹ that an industry in the United States is not being injured or is not likely to be injured, or is not prevented from being established, by reason of the importation of welt work shoes from Romania that are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS FOR NEGATIVE DETERMINATION OF CHAIRMAN BEDELL AND COMMISSIONER MOORE²

The Antidumping Act, 1921, as amended, requires that the U.S. International Trade Commission find two conditions satisfied before an affirmative determination can be made. First, there must be injury, or likelihood of injury, to an industry in the United States, or an in-

dustries in the United States must be prevented from being established. Second, such injury or likelihood of injury or prevention of establishment of an industry³ must be "by reason of" the importation into the United States of the class or kind of foreign merchandise which the Secretary of the Treasury has determined is being, or is likely to be, sold at less than fair value (LTFV).

On the basis of the investigation, we have determined that an industry in the United States is not being, nor is it likely to be, injured by reason of importation of welt work shoes from Romania found by the Secretary of the Treasury to have been sold or to be likely to be sold at LTFV within the meaning of the Antidumping Act, 1921, as amended.

The domestic industry of concern in this investigation, in our opinion, consists of the approximately 27 facilities in the United States devoted to the production of work shoes, regardless of the manner of construction. Work shoes are sturdily constructed footwear with heavy uppers, durable stitching, and special soles. Work shoes are commonly worn by mechanics and workmen engaged in physical activities. In recent years such shoes have also become a popular fad among young people. The type of work shoes which the Treasury Department found during the period of its investigation (November 1, 1973, through August 31, 1974) to be sold at less than fair value are constructed by the welt process. It is estimated that 75 percent of the work shoes produced in the United States are of such construction.

Even though most producers offer a large selection of work shoe styles, style changes are not a major factor in the production of work shoes as they are in the manufacture of many other types of footwear. Therefore, dies and lasts for basic styles can be used repeatedly. Work shoe plants require special stitching machines, needles, threads, and other special supplies primarily because of the heavy materials used in making work shoes. In normal practice, work shoes cannot be produced on machines used for the construction of men's dress or casual shoes.

NO INJURY

It is clear from the evidence developed during the Commission's investigation that there is no injury to the U.S. work shoe industry from welt work shoe imports from Romania sold at LTFV.

In the process of its investigation, the Commission sent questionnaires to all domestic producers of work shoes. Domestic producers accounting for approximately 70 percent of apparent production either stated they had not experienced injury from LTFV imports from Romania or failed to supply evidence or complain of such injury.

The remaining 30 percent of the industry sold a substantial portion of its

production to "rack" jobbers in retail discount chains, which are the primary outlet for the Romanian welt work shoe imports. Discount chains typically sell work shoes on racks owned and stocked by independent jobbers who in turn buy from domestic producers and importers. During 1973 and 1974, a period which includes Treasury's investigation of LTFV sales, there was no decrease in domestic producers' sales through such outlets, despite measurable competition from all work shoe imports. During this same period, domestic consumption of work shoes decreased by two million pairs. Thus, any injury suffered by the U.S. industry from lost sales to LTFV welt work shoe imports from Romania is minimal.

The U.S. industry producing work shoes is financially healthy, and for the past three years it has, for the most part, enjoyed increasing sales and profits except for one firm reporting to the Commission which sustained an operating loss in 1974, and this loss in our opinion is not attributable solely to welt work shoe imports from Romania.

With the exception of one firm, there is no evidence of decreasing employment in the domestic work shoe industry. The only domestic producer reporting a decrease in employment is also the principal importer of the LTFV imports. This firm began importing in 1972, and as its imports grew steadily through 1974, its domestic production of welt work shoes decreased, causing its employment to decline sharply. The employees affected were generally shifted to other work in the same firm.

There is no evidence that LTFV welt work shoe imports from Romania have caused depression or suppression of domestic prices of work shoes. On the contrary, wholesale prices of welt work shoes have risen more rapidly than the Department of Commerce index of non-durable manufactures. A study of the prices received by domestic producers for all classes of work shoes shows a steady increase in prices before, during, and after the period of LTFV sales investigated by the Treasury Department.

NO LIKELIHOOD OF INJURY

It is evident from the Commission's investigation that there is no likelihood of injury to the U.S. work shoe industry from welt work shoe imports from Romania sold at LTFV in the foreseeable future.

An inventory of the LTFV imports remains in importers' possession. However, the sole Romanian exporter has committed itself to a voluntary export restraint program for 1975 which will reduce imports to the low level of 1972. This will result in a 65-percent reduction in imports of Romanian welt work shoes to the United States during 1975 below such imports in 1974. There is further assurance that upon the completion of the voluntary restraint program in December 1975, imports of Romanian welt shoes will not enter the U.S. market in 1976 on a scale greater than 50 percent above those entered in 1975.

¹ Chairman Bedell and Commissioners Moore, Ablondi, and Minchew determined in the negative. Vice Chairman Parker and Commissioner Leonard determined in the affirmative.

² Commissioners Ablondi and Minchew concur in the result.

³ Prevention of the establishment of an industry is not an issue in the instant case and will not be discussed further.

CONCLUSION

We conclude that an industry in the United States is not being injured or is not likely to be injured by reason of the imports of welt work shoes from Romania that are being, or are likely to be, sold at LTFV within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS FOR AFFIRMATIVE DETERMINATION OF VICE CHAIRMAN PARKER AND COMMISSIONER LEONARD

On the basis of the investigation in this matter, in our opinion an industry in the United States is being injured and is likely to be injured by reason of the importation of welt work shoes from Romania that are being, or are likely to be, sold at less than fair value (LTFV) as determined by the Department of the Treasury.

INDUSTRY AND MARKET

We consider an industry in the United States that is being injured to consist of the facilities of U.S. firms engaged in the production of work shoes. Although work shoes are made in many styles, they are characterized by heavy grade leather, multiple row stitched uppers, heavy duty thread, metal-lined eyelets, and wear resistant inner soles. Most models are high topped, laced, and have thick rubber, plastic or neoprene soles.

The production of welt work shoes represents about 75 percent of the work shoes production in the United States. A welt shoe has a narrow strip of leather stitched to the shoe between the upper and the sole.

The U.S. market for domestic producers of work shoes is diversified. While U.S. manufacturers market their shoes in the large retail chain stores and discount houses, and through independent distributors and jobbers, they also sell directly to small independent retailers and to consumers, including mail orders. The LTFV sales of Romanian welt work shoes were made almost entirely to the large retail chain stores and discount houses. These retailers generally have branches throughout the country.

INJURY

The Treasury Department in making its LTFV determination with respect to welt work shoes imported from Romania investigated about 68 percent of the total imports of welt work shoes from Romania during the period of November 1, 1973 to August 31, 1974. The Treasury Department found that 100% of the sales investigated were made at LTFV and that the LTFV margins were substantial. Moreover, the investigation made by the U.S. International Trade Commission discloses that the LTFV margins were sufficiently large to have accounted for the entire margin by which Romanian imports undersold domestically produced work shoes.

The indices of injury to the U.S. work shoe industry are several:

(1) *Lost sales.* There were no imports of welt shoes from Romania prior to

1970. Imports increased sharply thereafter and have now captured 4 percent of the domestic work shoe market. The Romanian welt work shoes are of high quality and are comparable to U.S. produced work shoes. Fashion is a minor factor in work shoes sales. Low LTFV prices clearly were the most significant factor in the sharp and rapid market penetration achieved. We find that the increased share of the U.S. market taken by the Romanian welt work shoes was largely at the expense of the U.S. producers comprising the relevant domestic industry, the LTFV sales generally accounting for sales which would have been made by such producers.

(2) *Lack of profitability.* Romanian imports were sold largely through the high volume discount and chain stores. Domestic producers supplying such stores are in the most direct competition with the LTFV imports. The financial condition of these domestic producers which have been in most direct competition with LTFV Romanian imports has consistently been not as healthy as, and recently has worsened in comparison with, the segment of the U.S. industry which competed less directly. Net operating losses were sustained by a number of producers during the period in which the Treasury Department determined that LTFV sales occurred, and the profitability of the industry generally was low.

(3) *Unemployment.* While employment remained generally static for the entire work shoe industry, one firm reported a substantial decline in production and related workers in 1974 compared with 1972, a time when that firm shifted to Romanian imports from domestic production.

LIKELIHOOD OF INJURY

In addition, we believe the subject imports are likely to injure the U.S. work shoe industry. Since the imported shoes are high quality, and work shoes are generally purchased on the basis of price, durability, comfort and protection from environmental hazards, rather than on the basis of fashion, it is reasonable to expect that the imports will gain greater acceptance in the future if LTFV sales are permitted to continue. Sales at LTFV with the large margins found by Treasury made possible a rapid penetration in the U.S. market. Indeed, the Romanian imports have gained wide acceptance in the discount and chain store portion of the market in which they were introduced, and a distinct possibility exists that similar acceptance can be

"In protecting domestic industry, (in the Antidumping Act) the Congress was concerned not only for the welfare of the owners of producing plants, but also for the welfare of the employees in such plants and the communities of which they are a part." Views of Chairman Sutton and Commissioner Leonard, Potassium Chloride (Muriate of Potash) from Canada, France, and West Germany. . . . AA1921-58, 59, and 60. . . . TC Publication 303. . . . November 1969, p. 3. See also Steel Wire Rope from Japan. . . . AA1921-124. . . . TC Publication 608. . . . September 1973, p. 6.

achieved in the other channels of distribution for work shoes. The fundamental capacity to continue to export to the United States exists in Romania; and, as a result of that nation's economic organization, the decision is its whether to export at LTFV to the United States.

CONCLUSION

Based upon the previously discussed considerations, we have concluded that the domestic work shoe industry is being and is likely to be injured by reason of the importation of welt work shoes from Romania sold or likely to be sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.75-15930 Filed 6-18-75; 8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[1549, 1566A, 1517B; 1344, 1481, 1455, 1494, 1432]

SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

The National Transportation Safety Board announces the release of the following safety recommendation letters:

"A-75-50 and 51," issued June 2, 1975, to the Federal Aviation Administration following investigation of a Piper Seneca accident near Taos, New Mexico, on February 17, 1974. The Board recommends that the FAA (1) issue an Airworthiness Directive to require that an improved latching device be installed on all Piper aircraft designed with "quick disconnect" seat installations, and (2) amend 14 CFR 23.785(f) to require dynamic testing of seats to insure more realistic protection of occupants from serious injury in a minor crash.

"H-75-12 and 13," issued June 9, 1975, to the National Highway Traffic Safety Administration. After investigating four METRO bus fires occurring in the Washington area between December 12, 1974, and March 25, 1975, the Board recommended that NHTSA (1) develop a separate requirement applicable to the interior materials of all vehicle types in accident-induced attitudes which provides sufficient time for occupant evacuation before the creation of a lethal environment resulting from fire, and (2) expand Motor Vehicle Safety Standard No. 302 testing procedures to include a vertical burn test of all vehicle interior materials and to establish an acceptable vertical flame spread index similar to that prescribed by the FAA in 14 CFR 25.853.

"A-75-52," issued June 12, 1975, to FAA following investigation of the Trans World Airline Flight 514 crash at Berryville, Virginia, on December 1, 1974 (40 FR 24252) and investigation of a Beech BE-90 accident on the campus of American University, Washington, D.C., January 25, 1975. Since both investigations

indicated that the controllers possessed safety advisory information which was not issued to the pilots, the Board recommended that the FAA revise FAA Handbook 7110.8D and FAA Handbook 7110.9D to make the issuance of a safety advisory mandatory.

During the past week, the following letter responses were received from addresses of earlier Safety Board recommendations:

"U.S. Coast Guard" letter of 13 March 1975 responding to Recommendations M-74-32, 35, and 36 contained in marine casualty report No. USCG/NTSB-MAR-74-7 concerning the loss of numerous vessels during heavy weather in the vicinity of Chetco River, Oregon, 16 August 1972. Re M-74-32, the Coast Guard states that measures have been taken to provide a more effective means of collecting weather information and for increasing the USCG/NWS reporting capability. A copy of these instructions is attached to the letter. The letter also provides comments on M-74-35, which recommended that the Coast Guard amend its internal procedures to ensure rapid and efficient transfer of weather and emergency information between group commands and stations in adjoining Coast Guard districts, and M-74-36, requiring Coast Guard use of all available means of communications, including Citizens Band radio, in situations where a more rapid rescue response could be provided.

"Federal Aviation Administration" letter of May 27, 1975, re A-75-25 through 27, states that Air Carrier Operations Alert Bulletin 75-3 covers the first recommendation, namely, that an operations bulletin be issued to all air carrier and general aviation inspectors to stress pilots' use of attitude information when questionable information is presented on instruments dependent on the air data system. Also, a Part 135, Air Taxi Bulletin, is in preparation, and issuance of an advisory circular is under consideration. FAA does not concur in the second recommendation, which requires installation of a warning light system on transport-category aircraft to indicate when the flight instrument pitot heating system is not operating; FAA considers this as "distracting and possibly detrimental to safety." Regarding the third recommendation, FAA indicates plans for proposed rulemaking to require an appropriately designed pitot heating system for new aircraft design, but considers that "retrofit on existing aircraft presents many problems and we do not consider the recommendation practical for general adoption."

"Federal Aviation Administration" letter of May 30, 1975, re A-75-8 and 9, notes release of three Airworthiness Directives: 75-06-01, effective March 10, requiring filter inspection and compliance with Service Bulletin No. 1138; 75-06-01 revision, effective April 28, adding clarification; and Amendment 39-2207, effective May 20, requiring a magnetic chip detector.

"American Society of Mechanical Engineers" letter of May 30, 1975, re Recommendation P-75-4, made in pipeline

accident report No. NTSB-PAR-75-1 (40 FR 25107), agrees to undertake development of guidelines for automatic pipeline closure systems.

"Federal Highway Administration" letter of May 30, 1975, re Recommendations H-75-1 and 2 made to the Riverside (California) County Road Commission in highway accident report No. NTSB-HAR-75-1 (40 FR 23382). FHA promises to survey the accident site and encourage implementation of appropriate corrective measures.

Recommendation letters are available to the general public; single copies may be obtained without charge. A \$4.00 user-service charge will be made for each recommendation response, in addition to a charge of 10¢ per page for reproduction. All requests must be in writing, addressed to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

(Sec. 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2172 (40 U.S.C. 1906))

MARGARET L. FISHER,
Federal Register Liaison Officer.

JUNE 16, 1975.

[FR Doc. 75-15995 Filed 6-18-75; 8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on July 10-12, 1975, in Room 1046, 1717 H Street NW., Washington, D.C.

The following constitutes that portion of the Committee's agenda for the above meeting which will be open to the public:

THURSDAY, JULY 10, 1975

11:00 a.m.-12:30 p.m. and 1:30 p.m.-2:30 p.m.: Rancho Seco Nuclear Generating Station Unit No. 1. The Committee will hear presentations by and hold discussions with representatives of the NRC Staff and the applicant related to the request for an Operating License for this station. Closed sessions will be held if required to discuss security arrangements for this station and for Committee deliberative sessions.

2:30 p.m.-4:30 p.m. Meeting with NRC Staff. The Commission will hear presentations by and hold discussions with the NRC Staff related to:

- Recent operating experience and licensing actions
- Locking-out Emergency Core Cooling System Valves
- Cumulative down-time for engineered safety features
- Report on FRG Regulatory Guides and Criteria

FRIDAY, JULY 11, 1975

9:30 a.m.-11:30 a.m.: Loss of Fluid Test Facility. The Committee will hear

presentations by and hold discussions with representatives of the NRC Staff, the Energy Research and Development Agency, and Aerojet Nuclear Company related to the proposed operation of this facility. Closed sessions will be held if necessary to discuss security arrangements for this facility and for Committee deliberative sessions.

1:30 p.m.-2:30 p.m.: Vogtle Replication Facility. The Committee will hear presentations by and hold discussions with representatives of the Alabama Power Company regarding use of the nuclear steam supply system proposed for the Alvin W. Vogtle Nuclear Plant at the site of the Joseph M. Farley Nuclear Plant.

It should be noted that, in addition to the closed portions of the agenda items noted above, the Committee will hold other sessions not open to the public under the authority of section 10(d) of Pub. L. 92-463 (the Federal Advisory Committee Act), to consider the above applications and other matters. I have determined in accordance with subsection 10(d) of Pub. L. 92-463 that it is necessary to close such portions of the meeting to protect proprietary data (5 U.S.C. 552(b)(4)), and to protect the free interchange of internal views to avoid undue interference with agency or Committee operation (5 U.S.C. 552(b)(5)). Any non-exempt material that may be discussed during the closed portions of the meeting will be inextricably intertwined with discussion of exempt material and no further separation is practical. Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Committee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incomplete open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than July 2, 1975, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Such written comments shall be based on documents related to the agenda items noted above, and related documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and as follows:

RANCHO SECO NUCLEAR GENERATING STATION
UNIT 1

Business and Municipal Department
Sacramento City-County Library
828 I Street
Sacramento, California 95814

JOSEPH M. FARLEY NUCLEAR PLANT UNITS 1
AND 2

George S. Houston Memorial Library
212 W. Vurdeshaw Street
Dothan, Alabama 36301

ALVIN W. VOGTLE PLANT

Burke County Library
Fourth Street
Waynesboro, Georgia 30830

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Committee. To the extent that the time available for the meeting permits, the Committee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Committee.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Committee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting or portions of the meeting have been cancelled or rescheduled, and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on July 9, 1975, to the Office of the Executive Secretary of the Committee (Telephone: 202-634-1371) between 8:30 a.m. and 5:15 p.m. E.T. It should be noted that the schedule noted above is tentative, based on the anticipated availability of related information, etc. It may be necessary to reschedule items during the same day to accommodate required changes. The ACRS Executive Secretary will be prepared to describe these changes on July 9, 1975.

(e) Questions may be propounded only by members of the Committee and its consultants.

(f) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(g) Persons desiring to attend portions of the meeting where proprietary information, other than plant security information, is being discussed may do so by providing to the Executive Secretary 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information providing for access to this information.

(h) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. On request, copies of the minutes of the meeting will be made available for instruction at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. on or after October 10, 1975. Copies may

be obtained upon payment of appropriate charges.

Dated: June 13, 1975.

JOHN C. HOYLE,
Advisory Committee
Management Officer.

[FR Doc. 75-15805 Filed 6-18-75; 8:45 am]

[Docket No. 50-324]

CAROLINA POWER & LIGHT CO.

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-62 issued to Carolina Power & Light Company (the licensee), for operation of the Brunswick Steam Electric Plant Unit 2 located in Southport, North Carolina.

The amendment would revise the provisions in the Technical Specifications relating to the temperature limits for the pressure suppression pool water, in accordance with the licensee's application for amendment, dated April 3, 1975.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations.

By July 21, 1975 the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Mr. R. E. Jones, Esq., Carolina Power & Light Company, 336 Fayetteville Street, Raleigh, North Carolina 27602, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested.

Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated April 3, 1975, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461. The proposed license amendment and the Safety Evaluation, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 12th day of June 1975.

For the Nuclear Regulatory Commission.

J. M. CUTCHIN, IV,
Acting Chief, Light Water Reactors Branch 1-2, Division of Reactor Licensing.

[FR Doc. 75-15841 Filed 6-18-75; 8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 5.29, Revision 1, "Nuclear Material Control Systems for Nuclear Power Plants," identifies elements acceptable to the NRC staff for a nuclear material control system for nuclear power reactors. This revision reflects the approval by the American National Standards Institute, Incorporated, of ANSI N15.8-1974, "Nuclear Material Control Systems for Nuclear Power Plants," which this guide endorses.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below)

or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 5.29, Revision 1, will, however, be particularly useful in evaluating the need for an early revision if received by August 20, 1975.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 5 Regulatory Guides currently being developed include the following:

Mass Calibration Techniques for Nuclear Material Control
Calibration and Error Estimation Methods for Nondestructive Assay
Management Review of Materials and Plant Protection Programs and Activities
Protection of Nuclear Power Plants Against Industrial Sabotage
Measurement Control Program for Special Nuclear Material Control and Accounting
Monitoring Transfers of Special Nuclear Material
Considerations for Determining the Systematic Error of Special Nuclear Material Accounting Measurement
Interior Intrusion Alarm Systems
Preparation of Uranyl Nitrate Solution as a Working Standard
Shipping and Receiving Control of Special Nuclear Materials
Barrier Design and Placement
Internal Security Audit Procedures
Nondestructive Assay of Plutonium-Bearing Fuel Rods
Training and Qualifying Personnel for Performing Measurement Associated with the Control and Accounting of Special Nuclear Material
Auditing of Measurement Control Program
Reconciliation of Statistically Significant Shipper-Receiver Differences
Prior Measurement Verification
Verification of Prior Measurements by NDA
Nondestructive Assay of High-Enrichment Uranium Scrap by Active Neutron Interrogation
Control and Accounting for Highly Enriched Uranium in Waste
Considerations for Determining the Random Error of Special Nuclear Material Accounting Measurement
Use of Closed Circuit TV for Area Surveillance
Preparation of Working Calibration and Test Materials for Analytical Laboratory Measurement Control Programs—Part I: Plutonium Nitrate Solutions
Preparation of Working Calibration and Test Materials for Analytical Laboratory Measurement Control Programs—Plutonium Oxide

(5 U.S.C. 552(a))

Dated at Rockville, Md., this 12th day of June 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Acting Director,
Office of Standards Development.

[FR Doc.75-15954 Filed 6-18-75; 8:45 am]

OVERSEAS PRIVATE INVESTMENT CORPORATION

PRODUCTIVE CREDIT GUARANTY PROGRAM

Transfer of Obligations and Assets

Notice of transfer of obligations and assets from Overseas Private Investment Corporation to the Administrator of the Agency for International Development, Department of State.

Notice is hereby given that pursuant to section 222A (g) of the Foreign Assistance Act of 1961, as amended (the "Act"), 22 U.S.C. 2200, all obligations, assets and related rights and responsibilities arising out of or related to programs provided for in section 240 of the Act including, without limitation, all rights and obligations arising out of guaranties and agreements issued or entered into under the authority of section 240 of the Act were transferred from the Overseas Private Investment Corporation to the Administrator, Agency for International Development, Department of State, effective as of May 13, 1975. The foregoing transfer does not affect the personnel ceiling of either agency.

OVERSEAS PRIVATE INVESTMENT CORPORATION,

[SEAL] ELIZABETH A. BURTON,
Corporate Secretary.

[FR Doc.75-15984 Filed 6-18-75; 8:45 am]

POSTAL RATE COMMISSION

[Docket No. N75-1]

RETAIL ANALYSIS PROGRAM FOR FACILITIES DEPLOYMENT

Prehearing Conference

JUNE 13, 1975.

Notice is hereby given that the Administrative Law Judge has scheduled a prehearing conference to be held on Friday, June 27, 1975, commencing at 10 a.m., e.d.t., in the hearing room of the Postal Rate Commission, Suite 500, 2000 L Street, NW., Washington, D.C., in the above-designated proceeding.

The purpose of the conference is to establish an effective and expeditious procedure for the conduct of this hearing.

JAMES R. LINDSAY,
Secretary of the Commission.

[FR Doc.75-15985 Filed 6-18-75; 8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #1147]

ARKANSAS

Declaration of Disaster Area

As a result of the President's declaration I find that Independence, Izard,

Monroe, Randolph, Sharp and White Counties and the City of Blytheville and adjacent areas within the State of Arkansas constitute a disaster area because of damage resulting from heavy rains and flooding beginning about March 18, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on August 7, 1975, and for economic injury until the close of business on March 7, 1976, at:

Small Business Administration
District Office
611 Gaines Street, Suite 900
Little Rock, Arkansas 72203

or other locally announced locations.

Dated: June 11, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-15933 Filed 6-18-75; 8:45 am]

[License No. 05/05-5094]

INDEPENDENCE CAPITAL FORMATION, INC.

Filing of Application for Approval of a Conflict of Interest Transaction

Notice is hereby given that Independence Capital Formation, Inc. (licensee), 3049 East Grand Boulevard, Detroit, Michigan 48202, a small business investment company licensed under section 301(d) of the Small Business Investment Act of 1958, as amended, has filed with the Small Business Administration an application for exemption from the provisions of 13 CFR 107.1004 (1975).

Licensee proposes to purchase capital notes in the face amount of \$300,000 of First Independence National Bank (FINB), located in Detroit, Michigan.

The proposed financing comes within the purview of the cited regulation by virtue of the fact that Messrs. Hawkins Steele, Chairman of the Board of the licensee and Dr. Karl Gregory, a director of the licensee, are also directors of FINB. Neither of these directors owns any stock of the licensee and each owns less than one percent of the stock of FINB.

Notice is hereby given that any person may, on or before July 7, 1975, submit written comments to SBA on the proposed transaction. Any such comments should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

Notice is further given that any time after such date, SBA may dispose of the application on the basis of the information set forth therein and other relevant data.

A copy of this notice shall be published in a newspaper of general circulation in Detroit, Michigan.

Dated: June 10, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator
for Investment.

[FR Doc.75-15934 Filed 6-18-75; 8:45 am]

DEPARTMENT OF LABOR

Manpower Administration

EMPLOYMENT TRANSFER AND BUSINESS
COMPETITION DETERMINATIONS UNDER
RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75, published January 29, 1975 (40 FR 4393). In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding

these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Manpower, 601 D Street, NW, Washington, D.C. 20213.

Applications received during the week ending June 13, 1975

Name of applicant	Location of enterprise	Principal product or activity
Champion Cable Chain, Inc.	Swanton, Vt.	Manufacture of the chains.
Marion Foods Corp.	East Williamston, N.Y.	Canned applesauce, canned green and wax beans, canned corn.
Dunite Co.	Westover, W. Va.	Manufacture of concrete blocks.
Arca National Corp. (tenant of Fairfield Municipal Authority).	Fairfield, Pa.	Hard- and soft-cover book printing and binding.
Baxter, Kelly, and Faust, Inc.	Anderson, S.C.	Upholstery fabrics.
Zartie Frozen Meats, Inc.	Madison, Ga.	Frozen meat products.
James I. Patterson and Willie J. West	Calhoun City, Miss.	Grain storage.
Roseau Farm Service, Inc.	Roseau, Minn.	Sales and service of farm machinery.
Sands of Las Vegas, Inc.	Las Vegas, N. Mex.	Motel and restaurant.
Clyde Equipment and Engineering Co.	Sedalia, Mo.	Zinc and aluminum products.
Davis County Sales Co.	Bloomfield, Iowa	Livestock sales.
Nick Gust	Pacific, Calif.	Motel.

[FR Doc.75-15967 Filed 6-18-75; 8:45 am]

INTERSTATE COMMERCE
COMMISSION

[Notice 792]

ASSIGNMENT OF HEARINGS

JUNE 16, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 119988 Sub 79, Great Western Trucking Co., Inc., now being assigned July 23, 1975 (1 day) at Dallas, Texas, in Room 5A15-17, New Federal Building, 1100 Commerce Street.

I&S 9034, Coal, Harris, West Virginia to Hyco, North Carolina, now assigned August 25, 1975, at Washington, D.C. is cancelled.

No. 36050, United States Steel Corporation v. Seaboard Coast Line Railroad Company, now assigned July 1, 1975, at Washington, D.C. is postponed, to September 9, 1975, at the Offices of the Interstate Commerce Commission.

MC 95084 Sub 106, Hove Truck Line, now assigned July 8, 1975 at Omaha, Nebraska, will be held in Room 616, Union Pacific, 110 N. 14th Street.

MC 134790 Sub 4, Daniel C. Haffner, DBA Haffner Trucking Service, now assigned July 11, 1975 at Omaha, Nebraska; will be held in Room 616, Union Pacific, 110 N. 14th Street.

MC 124211 Sub 254, Hill Truck Line, Inc., now assigned July 14, 1975 at Omaha, Nebraska; will be held in Room 616, Union Pacific, 110 N. 14th Street.

MC 107012 Sub 207, North American Van Lines, Inc., now assigned June 24, 1975, at Washington, D.C. is canceled and the application is dismissed.

MC 128030 Sub 79, The Stout Trucking Co., Inc., now assigned July 14, 1975 at Chicago, Illinois, is postponed indefinitely.

Signed at Washington, D.C., this 16th day of June 1975.

BEN BURDETSKY,
Deputy Assistant Secretary
for Manpower.

AB 45 Sub 3, Chicago, Rock Island and Pacific Railroad Company abandonment between Fairbury and Ruskin, in Thayer and Nuckolls Counties, Nebraska, now assigned July 17, 1975, at Hebron, Nebr., is transferred to Fairbury, Nebraska, in the District Courtroom, Courthouse, same date.

MC 35320 Sub 144, T.I.M.E., Inc., Application dismissed.

MC 140030 Sub 1, Ray Kurtz and Linda Farley, A Partnership, DBA Plastic Express, now assigned July 14, 1975 at Los Angeles, California; will be held in Room 517, U.S. Courthouse, 312 N. Spring Street.

MC 74321 Sub 103, B. F. Walker, Inc., now assigned July 17, 1975 at Los Angeles, California; will be held in Room 517, U.S. Courthouse, 312 N. Spring St.

MC 72243 Sub 48, The Aetna Freight Lines; MC 107497 Sub 104, Parkhill Truck Company; MC 113855 Sub 304, International Transport, Inc.; MC 107993 Sub 33, J.J. Willis Trucking Company and MC 124947 Sub 36, Machinery Transports, Inc., now assigned July 21, 1975 at Denver, Colorado; will be held in Room 2330, 2nd Floor, Federal Building, 1961 Stout Street.

MC 113459 Sub 91, H. J. Jeffries Truck Line, Inc., now assigned July 24, 1975 at Denver, Colorado; will be held in Room 2330, 2nd Floor, Federal Building, 1961 Stout Street.

MC-F-12303, Dudley's Transcontinental Movers, Inc., Et Al—Purchase—Transworld Movers, Inc.; MC 564 Sub 11, Dudley's Transcontinental Movers and MC 112070 Sub 10, Gray Moving & Storage, Inc., now assigned July 28, 1975 at Denver, Colorado; will be held in Room 2330, 2nd Floor, Federal Building, 1961 Stout Street.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-15998 Filed 6-18-75; 8:45 am]

[Rev. So. 994; I.C.C. Order 143 Amtd. 1]

ASSOCIATION OF AMERICAN RAILROADS
Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 143, and good cause appearing therefor:

It is ordered, That: I.C.C. Order No. 143 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., December 15, 1975, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 15, 1975, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 9, 1975.

INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[SEAL]

[FR Doc.75-16003 Filed 6-18-75; 8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JUNE 16, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before July 7, 1975.

FSA No. 43006—*Joint Water-Rail Container Rates*—Zim Israel Navigation Co., Ltd. Filed by Zim Israel Navigation Co., Ltd., (No. 11), for itself and interested rail carriers. Rates on general commodities, from railroad terminals at U.S. Atlantic and Gulf Coast ports, to ports in Japan, Hong Kong, Taiwan, South Korea, Singapore, Malaysia, and The Philippines. Grounds for relief—Water competition.

Tariff—Zim Israel Navigation Co., Ltd., Westbound Atlantic and Gulf Coast tariff No. 1A, L.C.C. No. 6, F.M.C. No. 34. Rates are published to become effective on July 25, 1975.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-15999 Filed 6-18-75; 8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JUNE 16, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR

Part 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before June 30, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successfully filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 531 (Sub-No. E7), filed June 3, 1974. Applicant: YOUNGER BROTHERS, INC., P.O. Box 14048, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Dry synthetic resins, in bulk, in tank vehicles, from Houston, Tex., to points in the United States (except Arizona, Alaska, Arkansas, California, Colorado, Iowa, Kansas, Hawaii, Louisiana, Mississippi, Nebraska, New Mexico, Oklahoma, Texas, Utah, Wyoming, and points in Missouri west of U.S. Highway 63). The purpose of this filing is to eliminate the gateways of Lake Charles, La., and points within 13 miles thereof and the plant site of Allied Chemical Corporation located approximately 4.5 miles southeast of Orange and Williams, Tex.

No. MC 7166 (Sub-No. E1), filed May 31, 1974. Applicant: WILSON TRANSPORTATION SERVICE, INC., P.O. Box 258, Ottawa, Ohio 45875. Applicant's representative: Charles Tell, Columbus Center, 100 E. Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), between those points in Ohio on, west, and south of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 33 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Indiana State line (except points in Jackson Township, Preble County, Ohio), on the one hand, and, on the other, those points in Michigan within 200 miles of Ottawa, Ohio. The purpose of this filing is to eliminate the gateways of points within 8 miles of Vaughnsville, Ohio, and within 15 miles of Ottawa, Ohio.

No. MC 30446 (Sub-No. E6), filed May 13, 1974. Applicant: BRUCE JOHNSON TRUCKING COMPANY, 125 E. Craighead Road, Charlotte, N.C. 28205. Applicant's representative: Charles Ephraim, 1250 Connecticut Ave., NW., Washington, D.C. 20036. Authority

sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities, except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, cement, coal, commodities in bulk, and those requiring special equipment, from Savannah, Ga., to points in that part of South Carolina bounded by a line beginning at a point along the North Carolina-South Carolina State line, thence south along U.S. Highway 21 to junction South Carolina Highway 5, thence along South Carolina Highway 5 to junction U.S. Highway 29, thence along U.S. Highway 29 to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to the point of beginning. The purpose of this filing is to eliminate the gateway of Charlotte, N.C.

No. MC 31600 (Sub-No. E5), filed June 4, 1974. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative: Marshall Krage, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid chemicals, in bulk, in tank vehicles, restricted against the transportation of formaldehyde and styrene, in bulk, in tank vehicles to points in New Hampshire and Vermont, from Buffalo, N.Y., to points in Maine, New Hampshire, and points in Vermont on and east of U.S. Highway 5. The purpose of this filing is to eliminate the gateway of Springfield, Mass.

No. MC 35358 (Sub-No. E57), filed June 4, 1974. Applicant: BERGER TRANSFER & STORAGE, INC., 3720 MacAlaster Drive NE., Minneapolis, Minn. 55421. Applicant's representative: Andrew R. Clark, 1000 First Nat'l Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: New furniture, store fixtures, and furnishings, uncrated, from points in California, Nevada, Oregon, Washington, Idaho, Utah, to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, Ohio, Michigan, Wisconsin, points in Virginia on and north of a line beginning at the Atlantic Ocean and extending along U.S. Highway 64 to junction U.S. Highway 250, thence along U.S. Highway 250 to the Virginia-West Virginia State line, points in West Virginia on and north of U.S. Highway 60, points in Indiana on and north of a line beginning at the Kentucky-Indiana State line and extending along U.S. Highway 150 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Indiana Highway 46, thence along Indiana Highway 46 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Indiana-Illinois State line, points in Illinois on and north of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 36 to junction Illinois Highway

97, thence along Illinois Highway 97 to junction Illinois Highway 116, thence along Illinois Highway 116 to the Illinois-Iowa State line. The purpose of this filing is to eliminate the gateway of Albert Lea, Minn.

No. MC 53269 (Sub-No. E6), filed June 3, 1974. Applicant: EDITH R. ALLEN d/b/a S. P. RUTHERFORD TRANSFER AND STORAGE, Bristol, Tenn. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission between points in Alabama, on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E11), filed June 3, 1974. Applicant: EDITH R. ALLEN d/b/a S. P. RUTHERFORD TRANSFER AND STORAGE, Bristol, Tenn. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Leon, Wakulla, Franklin, Gulf, Calhoun, Jackson, Gadsden, Madison, and Taylor Counties, Fla., on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E12), filed June 3, 1974. Applicant: EDITH R. ALLEN d/b/a S. P. RUTHERFORD TRANSFER AND STORAGE, Bristol, Tenn. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Florida (except those in Nassau, Duval, Baker, Columbia, Hamilton, Madison, Jefferson, Suwannee, Clinton, Clay, St. Johns, Putnam, Flagler, Bradford, Alachua, Lafayette, and Gilchrist Counties), on the one hand, and, on the other, points in Mingo and McDowell Counties, W. Va. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 95540 (Sub-No. E671), filed May 13, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd., NE, Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Oleo stock*, from those points in Michigan on, south and east of a line beginning at Mackinaw, Mich., and extending along Interstate Highway 75 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Michigan Highway

66, thence along Michigan Highway 66 to the Michigan-Indiana State line, to those points in New Mexico south of Interstate Highway 40. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC 99427 (Sub-No. E1) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER March 27, 1975. Applicant: ARIZONA TANK LINES, INC., P.O. Box 6910, Phoenix, Ariz. 85005. Applicant's representative: William J. Lippman (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (20) *Petroleum products* (except asphalt, residual fuel oil, and liquefied petroleum gases), as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *sulphuric acid*, derived from petroleum, in bulk, in tank vehicles, from points in San Juan, McKinley, Valencia, Catron, Bernalillo, Sandoval, and Rio Arriba Counties, N. Mex., Montezuma, La Plata, Archuleta, Rio Grande, and Conejos Counties, Colo., to points in Imperial, San Diego, Riverside, San Bernardino, Orange, and Los Angeles Counties, Calif. (points in Apache, Greenlee, Maricopa, and Pima Counties, Ariz.). The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to expand the destination points.

No. MC 105733 (Sub-No. E20), filed April 16, 1975. Applicant: H. R. RITTER TRUCKING COMPANY, 928 E. Hazelwood Avenue, Rahway, N.J. Applicant's representative: A. R. Jeltis (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Providence, R.I., to points in New York west of a line beginning at the United States-Canada International Boundary line and extending along New York Highway 56 to junction New York Highway 3, thence along New York Highway 3 to junction New York Highway 26, thence along New York Highway 26 to junction New York Highway 12, thence along New York Highway 12 to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 17, thence along New York Highway 17 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Everett, Mass.

No. MC 105733 (Sub-No. E21), filed April 16, 1975. Applicant: H. R. RITTER TRUCKING COMPANY, 928 E. Hazelwood Avenue, Rahway, N.J. Applicant's representative: A. R. Jeltis (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, from Providence, R.I., to points in Delaware and Maryland. The purpose of this filing is to eliminate the gateways of Boston, Mass., or points within 10 miles thereof, and the plant site of American Mineral Spirits Co., at Newark, N.J.

No. MC 105733 (Sub-No. E22), filed April 16, 1975. Applicant: H. R. RITTER TRUCKING CO., 928 E. Hazelwood Ave., Rahway, N.J. Applicant's representative: A. R. Jeltis (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Everett, Mass., to points in Delaware and Maryland. The purpose of this filing is to eliminate the gateway of points in New York within 150 miles of Belleville, N.J., and the plant site of American Mineral Spirits Co. at Newark, N.J.

No. MC 105733 (Sub-No. E23), filed April 16, 1975. Applicant: H. R. RITTER TRUCKING CO., 928 E. Hazelwood Ave., Rahway, N.J. Applicant's representative: A. R. Jeltis (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from points in Massachusetts east of a line beginning at the Massachusetts-Rhode Island State line and extending along Massachusetts Highway 146 to junction Massachusetts Highway 12, thence along Massachusetts Highway 12 to junction Massachusetts Highway 13, thence along Massachusetts Highway 13 to the New Hampshire-Massachusetts State line, to points in New Jersey. The purpose of this filing is to eliminate the gateways of Everett, Mass., and Port Richmond, Staten Island, N.Y.

No. MC 105733 (Sub-No. E24), filed April 16, 1975. Applicant: H. R. RITTER TRUCKING CO., 928 E. Hazelwood Ave., Rahway, N.J. Applicant's representative: A. R. Jeltis (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from points in Maine to points in New Jersey. The purpose of this filing is to eliminate the gateway of Everett, Mass., and Port Richmond, Staten Island, N.Y.

No. MC 105733 (Sub-No. E25), filed April 16, 1975. Applicant: H. R. RITTER TRUCKING CO., 928 E. Hazelwood Ave., Rahway, N.J. Applicant's representative: A. R. Jeltis (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from points in New Hampshire on and east of U.S. Highway 93 to points in New Jersey. The purpose of this filing is to eliminate the gateway of Everett, Mass., and Port Richmond, Staten Island, N.Y.

No. MC 115733 (Sub-No. E26), filed April 16, 1975. Applicant: H. R. RITTER TRUCKING CO., 928 E. Hazelwood Ave., Rahway, N.J. Applicant's representative: A. R. Jeltis (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from points in Maine to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Everett, Mass., and the

pipeline/outlet of the Texas Eastern Transmission Corporation (Little Big Inch Division) pipeline in New York.

No. MC 105733 (Sub-No. E27), filed April 16, 1975. Applicant: H. R. RITTER TRUCKING CO., 928 E. Hazelwood Ave., Rahway, N.J. Applicant's representative: A. R. Jeltz (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in tank vehicles, from points in Hillsborough and Rockingham Counties, N.H., to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Everett, Mass., and the pipeline outlet of the Texas Eastern Transmission Co., in New York.

No. MC 107002 (Sub-No. E65) (Correction), filed May 12, 1974, published in the FEDERAL REGISTER, May 21, 1975. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and acids*, in bulk, and *ammonium nitrate, urea, fertilizer and fertilizer ingredients*, in bulk, from the plant and storage facilities of Arkla Chemical Corporation, in Phillips County, Ark., to points in Ohio, restricted to the transportation of shipments originating at the plant and storage facilities of Arkla Chemical Corporation, in Phillips County, Ark. The purpose of this filing is to eliminate the gateways of Barfield, Ark., and points within 10 miles thereof. The purpose of this correction is to change the commodity descriptions and also to change the gateway points.

No. MC 107002 (Sub-No. E207), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Tall oil*, in bulk, in tank vehicles, from Panama City, Fla., to points in Arkansas. The purpose of this filing is to eliminate the gateways of Memphis, Tenn., or Hattiesburg, Miss.

No. MC 107002 (Sub-No. E208), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except hydrogen peroxide, liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from Taylorsville, Miss., to points in Missouri west and south of a line beginning at the Arkansas-Missouri State line and extending along Missouri Highway 51 to junction Missouri Highway 53, thence along Missouri Highway 53 to Poplar Bluff, thence along U.S. Highway 60 to Springfield, thence along U.S. Highway 160 to the Kansas-Missouri

State line. The purpose of this filing is to eliminate the gateway of points in Louisiana within the Vicksburg, Miss., commercial zone, and points in Arkansas within the Memphis, Tenn., commercial zone.

No. MC 107403 (Sub-No. E312), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from points in West Virginia to points in Maine, Massachusetts, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa.; Lewis-town, Pa.; and Solvay, N.Y.

No. MC 110287 (Sub-No. E1), filed May 13, 1974. Applicant: SARLO TRUCKING SERVICE, INC., 820 Jersey Avenue, Gloucester City, N.J. 08030. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Kennedy Blvd., at 15th Street, Philadelphia, Pa. 19102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Roofing materials*, (a) between points in that part of New Jersey on and north of a line beginning at Gloucester, N.J., and extending along New Jersey Highway 42 to junction U.S. Highway 322, thence along U.S. Highway 322 to Atlantic City, and on and south of New Jersey Highway 33, on the one hand, and, on the other, points in Delaware, (b) from points in that part of New Jersey south of New Jersey Highway 33 and on and east of a line beginning at Gloucester, N.J., and extending along New Jersey Highway 47 to Port Elizabeth, and thence along the east bank of the Maurice River to Delaware Bay, to Baltimore, Md., and points in Sussex County, Del., on and south of a line beginning at the Maryland-Delaware State line and extending along Delaware Highway 20 to junction U.S. Highway 113, thence along U.S. Highway 113 to junction Delaware Highway 26, thence along Delaware Highway 26 to Ocean View, Del., (c) from points in that part of Sussex County, Del., on and south of a line beginning at the Maryland-Delaware State line and extending along Delaware Highway 20 to junction U.S. Highway 113, thence along U.S. Highway 113 to junction Delaware Highway 26, thence along Delaware Highway 26 to Ocean View, Del., to points in that part of New Jersey south of New Jersey Highway 33 and on and east of a line beginning at Gloucester, N.J., and extending along New Jersey Highway 47 to Port Elizabeth, and thence along the east bank of the Maurice River to the Delaware Bay, (d) from points in Delaware on and east of U.S. Highway 202 (except Wilmington, Del.) to Baltimore, Md., and (e) from Baltimore, Md., to points in New Jersey south of New Jersey Highway 33 and points in Dela-

ware on and east of U.S. Highway 202 (except Wilmington, Del.). The purpose of this filing is to eliminate the gateway of Marcus Hook, Pa.

No. MC 113843 (Sub-No. E62), filed May 3, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Shells (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*: (1) from points in Chautauque and Erie Counties, N.Y. (except Buffalo), to points in Tennessee on and west of a line beginning at the Tennessee-Mississippi State line and extending along U.S. Highway 51 to Dyersburg, thence along Tennessee Highway 20 to the Mississippi River; (2) from Buffalo, N.Y., to those points in Tennessee on and west of a line beginning at the Tennessee-Georgia State line and extending along U.S. Highway 411 to junction U.S. Highway 129, thence along U.S. Highway 129 to Knoxville, thence along Interstate Highway 75 to the Tennessee-Kentucky State line; (3) from points in Cattaraugus and Chautauque Counties, N.Y. (except Jamestown) to points in Missouri (except St. Louis and points in St. Charles), St. Louis, Jefferson, Ste. Genevieve, St. Francois, Perry, Cape Girardeau, Scott, and Mississippi Counties, but including the cities of Cape Girardeau and Sikeston; (4) from Jamestown, N.Y., to points in Missouri; (5) from points in Erie, Cattaraugus, and Chautauque Counties, N.Y., to points in Wisconsin; and (6) from points in Erie Counties, N.Y., to points in Missouri. The purpose of this filing is to eliminate the gateways of Buffalo, N.Y., and Detroit, Mich.

No. MC 113843 (Sub-No. E613), filed May 20, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Shells (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen poultry, frozen seafood, and frozen fruits and vegetables*, from points in Delaware, Maryland, and Virginia east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal, to those points in New York on and north of a line beginning at Lake Ontario and extending along New York Highway 3 to junction New York Highway 30, thence along New York Highway 30 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E643), filed May 17, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Shells (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen fruits*, (1) from those points

in Delaware and Maryland (except Pocomoke City, Cambridge and Crisfield) east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal, to those points in Iowa on, north and west of a line beginning at the Mississippi River and extending along U.S. Highway 61 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction Iowa Highway 38, thence along Iowa Highway 38 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Iowa Highway 92, thence along Iowa Highway 92 to junction Iowa Highway 149, thence along Iowa Highway 149 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Iowa-Missouri State line; (2) from those points in Delaware and Maryland east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal and on and north of a line beginning at the Delaware River and extending along Delaware Highway 8 to junction Delaware Highway 311, thence along Delaware Highway 311 to junction Delaware Highway 313, thence along Delaware Highway 313 to junction Delaware Highway 405, thence along Delaware Highway 405 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Chesapeake Bay, to points in Iowa and those in Texas on, south and west of a line beginning at the Gulf of Mexico and extending along U.S. Highway 181 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Interstate Highway 35E, thence along Interstate Highway 35E to Dallas, thence along U.S. Highway 75 to the Texas-Oklahoma State line.

(3) From those points in Delaware and Maryland east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal and on and north of a line beginning at the Chesapeake River and extending along Delaware Highway 8 to junction Delaware Highway 44, thence along Delaware Highway 44 to junction Delaware-Maryland Highway 300, thence along Delaware-Maryland Highway 300 to junction Delaware Highway 213, thence along Delaware Highway 213 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Chesapeake Bay, to those points in Texas on, south and west of a line beginning at the Gulf of Mexico and extending along Texas Highway 44 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Alternate U.S. Highway 77, thence along Alternate U.S. Highway 77 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Interstate Highway 35E, thence along Interstate Highway 35E to Dallas, thence along U.S. Highway 75 to the Texas-Oklahoma State line; and (4) from those points in Delaware and Maryland (except Pocomoke City, Cambridge, and Crisfield) east of the Chesapeake Bay and south of a line beginning at the Chesapeake River and extending along Delaware Highway 8 to junction Delaware Highway 44, thence along Delaware Highway 44 to junction Delaware-Maryland Highway 300, thence

along Delaware-Maryland Highway 300 to junction Delaware Highway 213, thence along Delaware Highway 213 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Chesapeake Bay, to those points in Texas on and west of a line beginning at the United States-Mexico International Boundary line and extending along U.S. Highway 57 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Texas Highway 79, thence along Texas Highway 79 to the Texas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 113843 (Sub-No. E775), May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Shells (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen fruits and berries and frozen fruit and berry concentrates*, (1) from Erie County, Pa., to those points in Texas on, south and west of a line beginning at the Texas-New Mexico State line and extending along Texas Highway 116 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction U.S. Highway 87, thence along U.S. Highway 87 to Lavaca Bay; (2) from points in New Jersey, to those points in Texas on, north and west of a line beginning at the Texas-Louisiana State line and extending along U.S. Highway 80 to junction U.S. Highway 259, thence along U.S. Highway 259 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Texas Highway 172, thence along Texas Highway 172 to Lavaca Bay; (3) from those points in New Jersey on, north and east of a line beginning at the Delaware Bay and extending along unnumbered highway to junction New Jersey Highway 47, thence along New Jersey Highway 47 to junction New Jersey Highway 49, thence along New Jersey Highway 49 to junction New Jersey Highway 77, thence along New Jersey Highway 77 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction New Jersey Highway 47, thence along New Jersey Highway 47 to the Delaware River, to points in Texas; (4) from New York, N.Y., to points in Texas; (5) from those points in Pennsylvania on and east of U.S. Highway 15, to those points in Texas south and west of a line beginning at the Atlantic Ocean and extending along Interstate Highway 37 to junction Texas Highway 359, thence along Texas Highway 359 to junction U.S. Highway 181, thence along U.S. Highway 181 to San Antonio, thence along U.S. Highway 281 to the Texas-Oklahoma State line.

(6) From those points in Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line and extending along Interstate Highway 83 to junction U.S. Highway 15, thence

along U.S. Highway 15 to the Pennsylvania-New York State line, to those points in Texas on, north and west of a line beginning at the Louisiana-Texas State line and extending along Texas Highway 7 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Texas Highway 94, thence along Texas Highway 94 to junction Texas Highway 19, thence along Texas Highway 19 to Huntsville, thence along Texas Highway 30 to junction Texas Highway 90, thence along Texas Highway 90 to junction Texas Highway 36, thence along Texas Highway 36 to junction Texas Highway 60, thence along Texas Highway 60 to junction Texas Highway 2031, thence along Texas Highway 2031 to the Gulf of Mexico; (7) from those points in Pennsylvania on, north, and east of a line beginning at the Pennsylvania-Maryland State line and extending along Pennsylvania Highway 841 to junction Pennsylvania Highway 82, thence along Pennsylvania Highway 82 to junction U.S. Highway 30, thence along U.S. Highway 30 to Lancaster, thence along Pennsylvania Highway 283 to junction Pennsylvania Highway 230, thence along Pennsylvania Highway 230 to junction Pennsylvania Turnpike, thence along the Pennsylvania Turnpike to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line, to those points in Texas on and west of a line beginning at the Gulf of Mexico and extending along U.S. Highway 75 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Texas-Louisiana State line; (8) from those points in Pennsylvania on, north and east of a line beginning at the Pennsylvania-Maryland State line and extending along Pennsylvania Highway 841 to junction Pennsylvania Highway 82, thence along Pennsylvania Highway 82 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Interstate Highway 176, thence along Interstate Highway 176 to Reading, thence along Pennsylvania Highway 61 to junction U.S. Highway 209, thence along U.S. Highway 209 to Millersburg, and east of a line beginning at a point on the western bank of the Susquehanna River near Millersburg, and extending along U.S. Highway 15 to the Pennsylvania-New York State line, to points in Texas.

(9) From those points in Pennsylvania on and east of U.S. Highway 15, to those points in Iowa on, north and west of a line beginning at the Iowa-Nebraska State line and extending along U.S. Highway 6 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Iowa Highway 9, thence along Iowa Highway 9 to junction Iowa Highway 4, thence along Iowa Highway 4 to the Iowa-Minnesota State line; (10) from those points in Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line and extending along Interstate Highway 83 to junction U.S. Highway 15, thence along U.S. Highway

15 to the Pennsylvania-New York State line, to those points in Iowa on, north and west of a line beginning at the Mississippi River and extending along Iowa Highway 9 to junction Iowa Highway 150, thence along Iowa Highway 150 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Iowa Highway 137, thence along Iowa Highway 137 to junction Iowa Highway 5, thence along Iowa Highway 5 to the Iowa-Missouri State line; (11) from those points in Pennsylvania on and north of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 222 to Reading, thence along Pennsylvania Highway 61 to junction U.S. Highway 209, thence along U.S. Highway 209 to Millersburg, and east of a line beginning on the western bank of the Susquehanna River near Millersburg and extending along U.S. Highway 15 to the Pennsylvania-New York State line, to points in Iowa (except those east and south of a line beginning at the Iowa-Missouri State line and extending along Iowa Highway 81 to junction Iowa Highway 2, thence along Iowa Highway 2 to the Mississippi River).

(12) From those points in Pennsylvania on, north and east of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 222 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 230, thence along U.S. Highway 230 to junction Pennsylvania Turnpike, thence along the Pennsylvania Turnpike to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line, to those points in Iowa on, north and west of a line beginning at the Mississippi River and extending along Iowa Highway 9 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Iowa-Missouri State line; and (13) from those points in Pennsylvania on and north of a line beginning at the Pennsylvania-Maryland State line and extending along Pennsylvania Highway 10 to Reading, thence along Pennsylvania Highway 61 to junction U.S. Highway 209, thence along U.S. Highway 209 to Millersburg, and east of a line beginning at a point on the western bank of the Susquehanna River near Millersburg and extending along U.S. Highway 15 to the Pennsylvania-New York State line to points in Texas. The purpose of this filing is to eliminate the gateways of Geneva, Westfield, and Penn Yan, N.Y.

No. MC 113843 (Sub-No. E820), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Shells (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Pittsburgh, Pa., to points in Illinois, those in Kentucky on and west of U.S. Highway 45, and those in Indiana on, north and west of

a line beginning at the Indiana-Ohio State line and extending along Indiana Highway 14 to junction Interstate Highway 69, thence along Interstate Highway 69 to junction Indiana Highway 26, thence along Indiana Highway 26 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Indiana-Illinois State line, and those in Indiana on and west of U.S. Highway 41. The purpose of this filing is to eliminate the gateways of points in the Lower Peninsula of Michigan.

No. MC 113843 (Sub-No. E822), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Shells (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen juices and frozen berries*, from points in Tioga County, Pa., to points in Kentucky. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 113843 (Sub-No. E862), filed June 4, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Shells (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Pittston, Pa., to those points in Pennsylvania on and north of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 322 to junction Pennsylvania Highway 27, thence along Pennsylvania Highway 27 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 446, thence along Pennsylvania Highway 446 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E1007), filed December 2, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Shells (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chambersburg, Pa., to (1) those points in New York bounded on the west by a line beginning at the New York-Pennsylvania State line and extending along New York Highway 17 to Deposit, thence along New York Highway 8 to junction New York Highway 206, thence along New York Highway 206 to junction New York Highway 7, thence along New York Highway 7 to junction New York Highway 26, thence along New York Highway 26 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction New York Highway 49, thence along New York Highway 49 to junction New York Highway 69, thence along New York Highway 69 to junction New York Highway 13, thence along New York Highway 13 to Lake Erie; and (2) those points in New York bounded on

the south and east by a line beginning at the Pennsylvania-New York State line and extending along New York Highway 17 to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 7, thence along New York Highway 7 to Schenectady, thence along New York Highway 7 to junction New York Highway 50 to Glen Falls, thence along New York Highway 150 to junction New York Highway 196, thence along New York Highway 196 to junction New York Highway 40, thence along New York Highway 40 to junction New York Highway 140, thence along New York Highway 140 to the New York-Vermont State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E1011), filed December 2, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Shells (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Pittston, Pa., to those points in Pennsylvania beginning at the New York-Pennsylvania State line and extending along U.S. Highway 15 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 422, thence along U.S. Highway 422 to the Pennsylvania-Ohio State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E1072), filed May 10, 1975. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: William J. Boyd, Suite 222, 600 Enterprise Drive, Oak Brook, Ill. 60521. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) *frozen potatoes, and potato products* (except commodities in bulk), from Portland, Me., and points in Aroostook County, Me., to points in that part of Pennsylvania west of the Susquehanna River, points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin (New York, N.Y.), and that part of Rockland County, N.Y., east of the Garden State Parkway and south of Interstate Highway 287, that part of Westchester County, N.Y., south of Interstate Highway 287, that part of Nassau County, N.Y., west of Nassau County Highway 1, and points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J.); (B) *frozen potatoes and frozen potato products*, from Portland, Me., and points in Aroostook County, Me., to points in Arkansas, Kansas, Minnesota, Nebraska, and Oklahoma, Springfield, Ill., Louisville, Ky., St. Louis, Mo., Sioux City and Davenport, Ia., Grand Forks, N. Dak., Sioux Falls, S. Dak. (Dundee, N.Y.), and Colorado (Dundee, N.Y.), and

Brockport, Morton, and LeRoy, N.Y.*; and (C) *canned potato products*, from Portland, Me., and points in Aroostook County, Me., to points in North Dakota and South Dakota (the plant sites and storage facilities of Duffy-Mott Co., Inc., at or near Hamlin, Holley and Williamson, N.Y.)*. The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 114019 (Sub-No. E79) (Correction), filed May 9, 1974, published in the FEDERAL REGISTER, June 13, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packing-house products*, as defined by the Commission, in mechanically refrigerated vehicles, from Austin, Minn., to points in Maryland, Virginia, and the District of Columbia, and those in Kentucky on and east of Interstate Highway 65, restricted to shipments moving from, to or between warehouses, plants, or other facilities of meat packinghouses. The purpose of this filing is to eliminate the gateway of Union City, Ohio. The purpose of this correction is to extend the territorial destinations.

No. MC 114019 (Sub-No. E115) (Correction), filed May 4, 1974, published in the FEDERAL REGISTER, June 13, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats*, in vehicles equipped with mechanical refrigeration, from points in New York, Pennsylvania, and West Virginia, those in New Jersey, Delaware, and Maryland within 30 miles of Philadelphia, Pa., and points in Ohio on and south of U.S. Highway 49, and Sparrows Point and Baltimore, Md., to points in North Dakota, South Dakota, Minnesota, and points in Wisconsin on, north, and west of Wisconsin Highway 15. The purpose of this filing is to eliminate the gateway of Lafayette, Ind., and Fort Atkinson, Wis. The purpose of this correction is to correct the origin description.

No. MC 114019 (Sub-No. E121) (Correction), filed May 3, 1974, republished in the FEDERAL REGISTER, August 13, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, and confectionery products*; (1) from points in New York on and east of New York Highway 8 and those in Pennsylvania on and east of U.S. Highway 11, and those in New Jersey in the New York, N.Y., and Philadelphia, Pa., commercial zone, as defined

by the Commission to points in Iowa and Wisconsin; and (2) from points in New York on and east of U.S. Highway 11 and those in Pennsylvania on and east of U.S. Highway 11 from the New York-Pennsylvania State line to junction Pennsylvania Turnpike (N.E. Extension), thence along Pennsylvania Turnpike (N.E. Extension) to Philadelphia, to points in Kentucky on and west of Interstate Highway 75, and points in Michigan and St. Louis, Mo. The purpose of this filing is to eliminate the gateway of Duryea, Pa. The purpose of this correction is to correct a highway description in (1) above and correct the territorial description in (2) above.

No. MC 114019 (Sub-No. E142) (Correction), filed May 9, 1974, published in the FEDERAL REGISTER, June 5, 1975. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, livestock, commodities in bulk, and commodities requiring special equipment), from the facilities of the Colgate Palmolive Co., at Jeffersonville, Ind., to Sparrows Point and Baltimore, Md., New York, N.Y., and points within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., points in that part of New York on and west of a line beginning at Windsor Beach, and extending to Rochester, thence along U.S. Highway 15 to Wayland, thence along New York Highway 245 to Danville, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, and thence along New York Highway 17 to the New York-Pennsylvania State line, and points in Pennsylvania and West Virginia (points in Ohio except Cincinnati)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to correct a typographical error in (1) above. The remainder of this letter-notice remains as previously published.

No. MC 114019 (Sub-No. E161) (Correction), filed May 8, 1974, published in the FEDERAL REGISTER, June 20, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grease and Tallow* (animal), in bulk, in tank vehicles equipped with heating coils; (1) from all points in Wisconsin and those points in Iowa on and east of U.S. Highway 69, to all points in New York, Massachusetts, Connecticut, Rhode Island, New Jersey, that part of Pennsylvania, on and south of U.S. Highway 11, from the Ohio-

Pennsylvania State line to Nanty Glo, and on and west of U.S. Highway 219 from Nanty Glo to the Pennsylvania-Maryland State line, Philadelphia, Pa., Wilmington, Del., Baltimore, Md., and the District of Columbia; (2) from points in Michigan on and south of Interstate Highway 96 to St. Joseph, Mo., St. Louis, Mo., Kansas City, Kans., Des Moines and Sioux City, Iowa, and Omaha, Nebr.; (7) from points in those counties in Wisconsin in and east of Forest, Langlade, Menominee, Shawano, Waupaca, Fond du Lac, Dodge, Jefferson, Winnebago, and Walworth to Des Moines, Iowa. The purpose of this filing is to eliminate the gateway of Chicago, Ill., or Cleveland, Ohio. The purpose of this partial correction is to correct a typographical error in (1) above; to expand the destination points in (2) above; and to correct the origin points in (7) above. The remainder of this letter-notice remains as previously published.

No. MC 114019 (Sub-No. E167) (Correction), filed May 6, 1974, published in the FEDERAL REGISTER, June 20, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk*, fresh and processed, in containers; (2) from points in Illinois, Indiana, and that part of Ohio on and west of Ohio Highway 301, beginning at Lake Erie between Sheffield Lake and Avon Lake, thence south to U.S. Highway 30, points on and south of U.S. Highway 30 to Canton, Ohio, and Interstate Highway 77, thence on and west of Interstate Highway 77 to Marietta, Ohio, and the West Virginia State line, to points in Maryland on and west of U.S. Highway 11, Delaware, Massachusetts, New Jersey, except those in New York, N.Y., and Philadelphia, Pa., commercial zone as defined by the Commission, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Barnesville, Ohio. The purpose of this partial correction is to clarify the origin territories. The remainder of this letter-notice remains as previously published.

No. MC 114019 (Sub-No. E206) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER, June 21, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers; (1) from points in that part of Ohio on, east, and south of Ohio Highway 7 from the Ohio-West Virginia State line to junction Interstate Highway 77, thence along Interstate Highway 77 to junction Ohio Highway 22, thence along Ohio Highway 22 to the Ohio-West Virginia State line to points in Arkansas, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and points in Wisconsin on, west, and north of Wisconsin Highway 69 from

the Illinois-Wisconsin State line to junction U.S. Highway 151, thence along U.S. Highway 151 to junction Wisconsin Highway 28, thence along Wisconsin Highway 28 to Lake Michigan. The purpose of this filing is to eliminate the gateway of St. Marys, W. Va. The purpose of this partial correction is to correct the origin point in (1) above. The remainder of this letter-notice remains as previously published.

No. MC 114019 (Sub-No. E219) (correction), filed May 12, 1974, published in the FEDERAL REGISTER, June 20, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Glass containers and accessories* therefore, and *paper cartons* used in the packing or shipping of glass containers, from points in Ohio on and south of U.S. Highway 250 from the Ohio-West Virginia State line to junction Ohio Highway 39, thence along Ohio Highway 39 to junction U.S. Highway 30, thence along U.S. Highway 30 and 30N to the Indiana-Ohio State line to points in New York, except points in the New York, N.Y., commercial zone as defined by the Commission, Long Island, and that part of New York on and west of a line beginning at Windsor Beach, and extending to Rochester, thence along U.S. Highway 15 to Wayland, thence along New York Highway 245 to Dansville, thence along New York Highway 36 to junction New York Highway 21, to Andover, and thence along New York Highway 17 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of South Connelville, Pa. The purpose of this correction is to correct the territorial descriptions.

No. MC 114604 (Sub-No. E18), filed June 4, 1974. Applicant: CAUDELL TRANSPORT, INC., State Farmer Market No. 33, Forest Park, Ga. 30050. Applicant's representative: Mr. Guy Postell, Suite 713, 3384 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles* distributed by meat packinghouses, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and foodstuffs, from points in Towns, Rabun, White, Habersham, Hall, Banks, Stephens, Hart, Franklin, Jackson, Madison, Elbert, Wilkes, Oglethorpe, Clarke, Oconee, Walton, Gwinnett, Fulton, Clayton, De Kalb, Rockdale, Newton, Morgan, Greene, Barrow, Taliaferro, McDuffie, Columbia, Richmond, Lincoln, and Burke Counties, Ga., to points in Alabama (except those in Barbour, Henry, Houston, and Dale Counties). The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 115840 (Sub-No. E45), filed December 30, 1974. Applicant: COLONIAL FAST FREIGHT, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*; (1) from points in North Carolina and South Carolina to points in Arkansas and Oklahoma; (2) from points in Florida to points in Oklahoma; (3) from points in that portion of Florida beginning at the Alabama-Florida State line on and east of Florida Highway 71 bounded on the west by Florida Highway 72, thence to the Gulf of Mexico, to points in Arkansas; (4) from points in Georgia to points in Arkansas and Oklahoma; (5) from points in Alabama to points in Oklahoma; and (6) from that portion of Alabama beginning at the Alabama-Florida State line on and east of U.S. Highway 231 bounded on the west by U.S. Highway 231 (including Dothan and Montgomery, Ala.), thence along U.S. Highway 231 to junction U.S. Highway 231 and U.S. Highway 82 at Montgomery, Ala., thence on and north of U.S. Highway 82 to the Alabama-Mississippi State line, to points in Arkansas, with no transportation for compensation on return except as otherwise authorized. The operations authorized herein are restricted against the transportation of commodities used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts. The authority granted herein to the extent it is duplicative of that already held by carrier, shall not be construed as conferring more than a single operating right, and shall not be severable by sale or otherwise. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC 115840 (Sub-No. E46), filed December 30, 1974. Applicant: COLONIAL FAST FREIGHT, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except those the transportation of which by reason of size or weight require the use of special equipment), from the plant site of Tennessee Forging Steel, near Harriman, Tenn., to points in Florida, and points in that part of Louisiana east of the Mississippi River, and points in that part of Mississippi beginning at the Mississippi-Alabama State line on and south of U.S. Highway 82 bounded on the north by U.S. Highway 82 (but including Columbus, Starkville, Greenwood, and Greenville, Miss.), thence west on U.S. Highway 82 to the Mississippi-Arkansas State line located at Greenville, Miss., and points in that portion of Alabama beginning at the Alabama-Georgia State line on and south of Interstate Highway 20 bounded on the north by Interstate Highway 20, thence

along Interstate Highway 20 (including Anniston, Birmingham, Tuscaloosa, and Bessemer, Ala.), to the Alabama-Mississippi State line and points in that portion of Georgia beginning at the Alabama-Georgia State line on and south of U.S. Highway 80 bounded on the north by U.S. Highway 80 (but including Columbus, Macon, Dublin, Statesboro, and Savannah, Ga.), thence along U.S. Highway 80 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Anniston, Ala.

No. MC 115840 (Sub-No. E47), filed December 30, 1974. Applicant: COLONIAL FAST FREIGHT, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cast iron pipe, iron and steel pipe fittings, pipe valves, and fire hydrants*, from Coshocton, Ohio, to points in Arizona, Texas, and points in that portion of California beginning at the California-Arizona State line on and south of Interstate Highway 10 bounded on the north by Interstate Highway 10, thence along Interstate Highway 10 to (including Los Angeles) the Pacific Ocean, and points in that portion of New Mexico beginning at the New Mexico-Texas State line on and south of Interstate Highway 40 bounded on the north by Interstate Highway 40, thence along Interstate Highway 40 to (including Albuquerque, N. Mex.), the New Mexico-Arizona State line. The purpose of this filing is to eliminate the gateways of Anniston and Holt, Ala.

No. MC 115840 (Sub-No. E48), filed December 30, 1974. Applicant: COLONIAL FAST FREIGHT, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except commodities which because of size or weight require the use of special equipment), from Anniston, Ala., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, New York, and Pennsylvania. The purpose of this filing is to eliminate the gateways of Guntersville and Birmingham, Ala.

No. MC 115840 (Sub-No. E54), filed December 30, 1974. Applicant: COLONIAL FAST FREIGHT, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles and such cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes as are embraced in fabricated and structural aluminum*, from Anniston, Ala., to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of points in Alabama on and north of U.S. Highway 80.

No. MC 115840 (Sub-No. E57), filed December 30, 1974. Applicant: COLONIAL FAST FREIGHT, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *iron and steel articles and such cranes, sand hoppers, elevators, conveyors, dust collectors, meter boxes, valves, hydrants, gaskets, overhead sign structures, highway breakaway posts, highway guardrails, and uprights which are iron and steel articles*, from Anniston, Ala., to points in Pennsylvania, New York, Massachusetts, Rhode Island, Maine, Vermont, Connecticut, New Hampshire, Virginia, West Virginia, Maryland, New Jersey, Delaware, points in that part of Kentucky on and west of a line beginning at the Tennessee-Kentucky State line extending along Interstate Highway 65 to junction U.S. Highway 231, thence along U.S. Highway 231 (including Bowling Green) to junction Kentucky Highway 60 (including Owensboro), thence along Kentucky Highway 60 to junction Kentucky Highway 37, thence along Kentucky Highway 37 to the Kentucky-Ohio State line. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC 119777 (Sub-No. E131), filed January 29, 1975. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pallets, skids, bases, boxes, crating, oak treads, oak rises, oak sills, oak moulding, cardboard cartons, nails, and lumber*, (1) (a) between points in Alabama, on the one hand, and, on the other, points in Indiana, Iowa, Massachusetts, Michigan, Minnesota, Nebraska, North Dakota, Rhode Island, South Dakota, and Wisconsin (except Oshkosh), (b) from points in Alabama to Oshkosh, Wisc.; (2) from points in Arizona to points in Connecticut, Delaware, Georgia, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia; (3) from points in California to points in Connecticut, Delaware, Georgia, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia; (4) from points in Connecticut to points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, Oklahoma, Texas, and Missouri; (5) from points in Delaware to points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, Oklahoma, and Texas; (6) (a) from points in Washington, D.C., to points in Arkansas, Kansas, Louisiana, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas; (7) (a) between points in Florida, on the one hand, and, on the other, points

in Illinois (except Chicago), Indiana, Iowa, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin (except Oshkosh), (b) from points in Florida to points in Chicago, Ill., and Oshkosh, Wisc.;

(8) (a) Between points in Georgia, on the one hand, and, on the other, points in Illinois (except Chicago), Indiana, Iowa, Michigan, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin (except Oshkosh), (b) from points in Georgia to points in Colorado, Kansas, and Chicago, Ill., and Oshkosh, Wisc.; (9) from points in Idaho to points in Alabama, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia; (10) (a) between points in Illinois (except Chicago), on the one hand, and, on the other, points in Florida and Georgia, (b) from points in Florida and Georgia to Chicago, Ill.; (11) (a) between points in Indiana, on the one hand, and, on the other, points in Alabama, Florida, Georgia, and South Carolina, (b) from points in Indiana, to points in Louisiana and Mississippi; (12) between points in Iowa, on the one hand, and, on the other, points in Alabama, Florida, Georgia, North Carolina (except Moncure), and South Carolina; (13) from points in Maine to points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, Oklahoma, Texas, and Missouri; (14) from points in Maryland to points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, Oklahoma, and Texas; (15) (a) between points in Massachusetts, on the one hand, and, on the other, points in Alabama, (b) from points in Massachusetts to points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, Oklahoma, and Texas; (16) (a) between points in Michigan, on the one hand, and, on the other, points in Alabama, Florida, Georgia, and South Carolina, (b) from points in Michigan to points in Louisiana and Mississippi; (17) between points in Minnesota, on the one hand, and, on the other, points in Alabama, Florida, Georgia, North Carolina (except Moncure), and South Carolina; (18) from points in Montana to points in Alabama, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Mississippi, North Carolina, Rhode Island, South Carolina, Tennessee, and Virginia;

(19) Between points in Nebraska, on the one hand, and, on the other, points in Alabama, Florida, Georgia, North Carolina (except Moncure), Rhode Island, South Carolina, and Virginia (except Norfolk and Chesapeake); (20) from points in Nevada to points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia; (21) from points in New Hampshire to points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, Oklahoma, and Texas; (22) from points in New Jersey to points in Arkansas, Col-

orado, Kansas, Louisiana, Mississippi, Oklahoma, and Texas; (23) from points in New York (except Jamaica, Long Island), to points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, Oklahoma, and Texas; (24) (a) between points in North Carolina (except Moncure), on the one hand, and, on the other, points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin (except Oshkosh), (b) from points in North Carolina (except Moncure), to points in Arkansas, Colorado, Kansas, Missouri, Oklahoma, Texas, and Oshkosh, Wisc.; (25) (a) between points in North Dakota, on the one hand, and, on the other, points in Alabama, Florida, Georgia, North Carolina (except Moncure), South Carolina, Tennessee (except Memphis), and Virginia (except Chesapeake and Norfolk), (b) from points in North Dakota to Moncure, N.C., Memphis, Tenn., and Chesapeake and Norfolk, Va.; (26) (a) between points in Ohio, on the one hand, and, on the other, points in Florida; (b) from points in Ohio to points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas; (27) from points in Oregon to points in Alabama, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia; (28) from points in Pennsylvania to points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, Oklahoma, and Texas;

(29) (a) Between points in Rhode Island, on the one hand, and, on the other, points in Alabama and Nebraska, (b) from points in Rhode Island to points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, and Texas; (30) (a) between points in South Carolina, on the one hand, and, on the other, points in Indiana, Iowa, Michigan, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin (except Oshkosh), (b) from points in South Carolina to points in Colorado, Kansas, Missouri, and Oshkosh, Wisc.; (31) between points in South Dakota, on the one hand, and, on the other, points in Alabama, Florida, Georgia, North Carolina (except Moncure), South Carolina, and Virginia (except Norfolk and Chesapeake); (32) (a) between points in Tennessee (except Memphis), on the one hand, and, on the other, points in North Dakota, (b) from points in North Dakota to points in Memphis, Tenn.; (33) from points in Utah to points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia; (34) from points in Vermont to points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, Oklahoma, and Texas; (35) (a) between points in Virginia (except Norfolk and Chesapeake), on the one hand, and, on the other, points in Nebraska, North Dakota, South Dakota, (b) from points in Virginia (except Norfolk and Chesapeake) to points in Arkansas,

Colorado, Kansas, Louisiana, Oklahoma, and Texas, (c) from points in North Dakota, South Dakota, and Nebraska to Norfolk and Chesapeake, Va.; (36) from points in Washington to points in Alabama, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia;

(37) From points in West Virginia to points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, Oklahoma, and Texas; (38) (a) between points in Wisconsin (except Oshkosh), on the one hand, and, on the other, points in Alabama, Florida, Georgia, North Carolina, (except Moncure), and South Carolina, (b) from Wisconsin (except Oshkosh), to Moncure, N.C., (c) from North Carolina (except Moncure) to Oshkosh, Wis.; and (39) from Wyoming to Alabama, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, North Carolina, Rhode Island, South Carolina, Vermont, and Virginia. The purpose of this filing is to eliminate the gateways of Logan County, Ky., or Muhlenberg County, Ky., or the plant site of Kentucky Mills-Lumber and Manufacturing Co., at or near Williamsburg, Ky.

No. MC 121060 (Sub-No. E33), filed May 21, 1975. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, Ala. 35207. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators and roofing caps, and materials and supplies used in the installation of any commodity named above (except in bulk), from points in Alabama (except points in Washington, Mobile, Baldwin, Escambia, Covington, Coffee, Geneva, Dale, Henry, and Houston Counties, and except points north of a line beginning at the Tennessee-Alabama State line, thence along Alabama Highway 127 to junction U.S. Highway 72, thence along U.S. Highway 72 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Alabama Highway 24, thence along Alabama Highway 24 to junction Alabama Highway 41, thence along Alabama Highway 41 to junction U.S. Highway 78, thence along U.S. Highway 78 to junction U.S. Highway 278, thence along U.S. Highway 278 to the Alabama-Mississippi State line, to points in Missouri, on and north of U.S. Highway 36.* The purpose of this filing is to eliminate the gateway of the facilities of Litecraft-Luminous Ceilings, Division of the Celotex Corporation, located at or near Scottsboro, Ala.

No. MC 121060 (Sub-No. E34), filed May 21, 1975. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416,

Birmingham, Ala. 35207. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators and roofing caps, and materials and supplies used in the installation of any commodity named above (except in bulk), from points in Alabama, except points in Washington, Mobile, Baldwin, Escambia, Covington, Coffee, Geneva, Dale, Henry, and Houston Counties, and except points west of a line beginning at the Alabama-Tennessee State line, thence along U.S. Highway 31 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Alabama Highway 5, thence along Alabama Highway 5 to junction Alabama Highway 28, thence along Alabama Highway 28 to junction Alabama Highway 21, thence along Alabama Highway 21 to the Alabama-Florida State line, to points in Kansas. The purpose of this filing is to eliminate the gateway of the facilities of Litecraft-Luminous Ceilings, Division of the Celotex Corporation, located at or near Scottsboro, Ala.*

No. MC 121060 (Sub-No. E35), filed May 21, 1974. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, Ala. 35207. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators and roofing caps, and materials and supplies used in the installation of any commodity named above (except in bulk), from points in Lauderdale, Franklin, Colbert, and Lawrence Counties, Ala., to points in Kansas on and west of a line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 281 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Kansas Highway 96, thence along Kansas Highway 96 to junction U.S. Highway 238, thence along U.S. Highway 238 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of the facilities of Litecraft-Luminous Ceilings, Division of the Celotex Corporation, located at or near Scottsboro, Ala.*

No. MC 121060 (Sub-No. E36), filed May 21, 1975. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, Ala. 35207. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ceiling systems, paint, plastic light diffusers,*

adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators, and roofing caps, and materials and supplies used in the installation of any commodity named above (except in bulk), from points in Alabama, except points in Washington, Mobile, Baldwin, Escambia, Covington, Coffee, Geneva, Dale, Henry, Houston, Lauderdale, Colbert, Lawrence, Franklin, Marion, and Winston Counties, Ala., to points in Kansas on, north, and west of a line beginning at the Kansas-Nebraska State line, thence along U.S. Highway 77 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction Kansas Highway 14, thence along Kansas Highway 14 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Kansas-Colorado State line. The purpose of this filing is to eliminate the gateway of the facilities of Litecraft-Luminous Ceilings, Division of the Celotex Corporation, located at or near Scottsboro, Ala.

No. MC 121060 (Sub-No. E37), filed May 21, 1975. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, Ala. 35207. Applicant's representative: William P. Jackson, Jr., 919 18th NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators and roofing caps, and materials and supplies used in the installation of any commodity named above (except in bulk), from points in Alabama on and north of a line beginning at the Alabama-Georgia State line, thence along U.S. Highway 278 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Alabama-Tennessee State line, to points in Texas. The purpose of this filing is to eliminate the gateway of the facilities of Litecraft-Luminous Ceilings, Division of the Celotex Corporation, located at or near Scottsboro, Ala.*

No. MC 121060 (Sub-No. E38), filed May 21, 1975. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, Ala. 35207. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators and roofing caps, and materials and supplies used in the installation of any commodity named above (except in bulk), from points in Alabama, on and north of a line beginning at the Alabama-Georgia State line, thence along U.S. Highway 78 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Alabama-*

Tennessee State line, to points in Texas, on and west of a line beginning at the Texas-Louisiana State line, thence along U.S. Highway 84 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of the facilities of Litecraft-Luminous Ceilings, Division of the Celotex Corporation, located at or near Scottsboro, Ala.

No. MC 121060 (Sub-No. E39), filed May 21, 1975. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, Ala. 35207. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators and roofing caps, and materials and supplies used in the installation of any commodity named above (except in bulk)*, from points in Alabama, on and west of a line beginning at the Alabama-Georgia State line, thence along U.S. Highway 280 to junction Interstate Highway 65, thence along Interstate Highway 64 to the Alabama-Tennessee State line, to points in Texas, on and west of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 281 to junction Texas Highway 29, thence along Texas Highway 29 to junction Texas Highway 16, thence along Texas Highway 16 to junction Texas Highway 39, thence along Texas Highway 30 to junction U.S. Highway 83, thence along U.S. Highway 83 to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of the facilities of Litecraft-Luminous Ceilings, Division of the Celotex Corporation, located at or near Scottsboro, Ala.

No. MC 121060 (Sub-No. E40), filed May 21, 1975. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, Ala. 35207. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators and roofing caps, and materials and supplies used in the installation of any commodity named above (except in bulk)*; (1) from Limestone, Madison, Marshall, and Morgan Counties, Ala., to points in Texas, on and west of a line beginning at the Texas-Louisiana State line, thence along U.S. Highway 84 to junction U.S. Highway 259, thence along U.S. Highway 259 to junction Texas Highway 135, thence along Texas Highway 135 to junction U.S. Highway 271, thence along U.S. Highway 271 to the Texas-Oklahoma State line; and (2)

from Lauderdale, Colbert, Lawrence, Franklin, Marion, and Winston Counties, Ala., to points in Texas, on and west of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 62 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction Texas Highway 610, thence along Texas Highway 610 to junction Texas Highway 70, thence along Texas Highway 70 to junction U.S. Highway 277, thence along U.S. Highway 277 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction U.S. Highway 181, thence along U.S. Highway 181 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of the facilities of Litecraft-Luminous Ceilings, Division of the Celotex Corporation, located at or near Scottsboro, Ala.

No. MC 115840 (Sub-No. E55), filed December 30, 1974. Applicant: COLONIAL FAST FREIGHT, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such material and supplies (except in bulk) as are used in the operation, production, processing, or transportation of iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes as are embraced in iron and steel articles, and fabricated and structural aluminum*, (1) from those points in Alabama on and west of Interstate Highway 65, and Jefferson, Shelby, Blount, St. Clair, and Chilton Counties, Ala., and Cullman, Ala., to points in North Carolina and South Carolina; (2) from points in Mississippi to points in North Carolina and South Carolina; (3) from points in Louisiana on and east of the Mississippi River to points in North Carolina and South Carolina; (4) from points in Arkansas to points in North Carolina and South Carolina; (5) from Memphis, Tenn., to points in North Carolina and South Carolina; and (6) from points in that portion of Florida on and west of U.S. Highway 331 to the Gulf of Mexico to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateways of Birmingham and Anniston, Ala.

No. MC 115840 (Sub-No. E58), filed December 30, 1974. Applicant: COLONIAL FAST FREIGHT, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such materials and supplies (except in bulk) used in the operation, production, processing, or transportation of iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes as are embraced in iron and steel articles, valves, hydrants, gaskets, overhead highway sign structures, highway breakaway posts, highway guardrails, and uprights*, (1) from points in

Florida to points in Kentucky; (2) from points in Louisiana on and east of the Mississippi River to points in Kentucky, West Virginia, Virginia, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine; (3) from points in Mississippi beginning at the Mississippi-Alabama State line on and south of U.S. Highway 82 to the Mississippi-Arkansas State line to points in Pennsylvania, Virginia, West Virginia, Maryland, New Jersey, Delaware, New Hampshire, Connecticut, Vermont, Maine, Rhode Island, Massachusetts, and New York; (4) from those points in Mississippi beginning at the Mississippi-Alabama State line on and north of U.S. Highway 82 to the Mississippi-Arkansas State line to points in New York, Massachusetts, Rhode Island, Maine, Vermont, Connecticut, New Hampshire, Virginia, West Virginia, Maryland, New Jersey, and Delaware; (5) from those points in Alabama, on and west of Interstate Highway 65 beginning at the Alabama-Tennessee State line south to the intersection with (including Birmingham and Montgomery, Ala.) U.S. Highway 231, thence along U.S. Highway 231 to the Alabama-Florida State line to points in New York, Pennsylvania, Massachusetts, New Jersey, Rhode Island, Maine, Vermont, Connecticut, New Hampshire, Virginia, West Virginia, Maryland, and Delaware; (6) from points in Alabama beginning at the Alabama-Tennessee State line on and east of Interstate Highway 65 to the intersection with U.S. Highway 231, thence along U.S. Highway 231 to the Alabama-Florida State line to points in New York, Massachusetts, Rhode Island, Maine, Vermont, Connecticut, New Hampshire, Virginia, West Virginia, Maryland, New Jersey, and Delaware; and (7) from those points in Alabama beginning at the Alabama-Georgia State line on and south of U.S. Highway 278 to the Alabama-Mississippi State line to points in Kentucky and Pennsylvania; (8) from points in that portion of Georgia beginning at the Georgia-Alabama State line on and south of U.S. Highway 78, thence along U.S. Highway 78 to intersection with Alternate U.S. Highway 27 located at (and including) Bremen, Ga., thence along Alternate U.S. Highway 27 (including Carrollton, Newman, Manchester, and Columbus, Ga.) to intersection with U.S. Highway 27 located at Columbus, Ga., thence along U.S. Highway 27 to the Georgia-Florida State line (including Bainbridge, Ga.), to points in Kentucky, Pennsylvania, New York, Massachusetts, Rhode Island, Maine, Vermont, Connecticut, New Hampshire, West Virginia, Maryland, New Jersey, and Delaware. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC 115840 (Sub-No. E60), filed December 30, 1974. Applicant: COLONIAL FAST FREIGHT, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to

operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Farm implements* which are iron and steel articles from Poplarville, Miss., to points in Kentucky, Pennsylvania (except Wellsboro and Bradford, Pa.), New York, Massachusetts, Rhode Island, Maine, Vermont, Connecticut, New Hampshire, Virginia, West Virginia, Maryland, New Jersey, and Delaware. The purpose of this filing is to eliminate the gateways of Tuscaloosa and Birmingham, Ala.

No. MC 115840 (Sub-No. E62), filed December 30, 1974. Applicant: COLONIAL FAST FREIGHT, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes*, which are embraced in iron and steel and iron and steel articles (except commodities which because of size or weight require the use of special equipment, from Anniston, Ala., to points in Tennessee, Arkansas, and Mississippi. The purpose of this filing is to eliminate the gateways of points on the Mississippi and Tennessee Rivers on and south of the Kentucky-Tennessee State line.

No. MC 121060 (Sub-No. E41), filed May 21, 1975. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, Ala. 35207. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators and roofing caps, and materials and supplies* used in the installation of any commodity named above (except in bulk), from points in Alabama, on and east of a line beginning at the Alabama-Georgia State line, thence along Alabama Highway 26 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Alabama Highway 93, thence along Alabama Highway 93 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Coffee County line, thence along the northern lines of Coffee, Dale, and Henry Counties, Ala., to the Alabama-Georgia State line, to points in Texas, on and west of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 62 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction Texas Highway 57, thence along Texas Highway 57 to junction Texas Highway 70, thence along Texas Highway 70 to junction U.S. Highway 277, thence along U.S. Highway 277 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 277, thence along U.S. Highway 277 to the United States-Mexico International Boundary

line. The purpose of this filing is to eliminate the gateway of the facilities of Litecraft-Luminous Ceilings, Division of the Celotex Corporation, located at or near Scottsboro, Ala.

No. MC 121060 (Sub-No. E42), filed May 21, 1975. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, Ala. 35202. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators and roofing caps, and materials and supplies* used in the installation of any commodity named above (except in bulk), from points in Elmore, Montgomery, Bullock, and Macon Counties, Ala., to points in Texas, on and north of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 60 to junction Interstate Highway 27, thence along Interstate Highway 27 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 180, thence along U.S. Highway 180 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction Texas Highway 115, thence along Texas Highway 115 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Texas Highway 17, thence along Texas Highway 17 to junction U.S. Highway 67, thence along U.S. Highway 67 to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of the facilities of Litecraft-Luminous Ceilings, Division of the Celotex Corporation, located at or near Scottsboro, Ala.

No. MC 121060 (Sub-No. E43), filed May 21, 1975. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, Ala. 35207. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators and roofing caps, and materials and supplies* used in the installation of any commodities named above (except in bulk), from Tuscaloosa County, Ala., to points in Texas, on and west of a line beginning at the Texas-New Mexico State line, thence along U.S. Highway 62/180 to junction Texas Highway 54, thence along Texas Highway 54 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction U.S. Highway 67, thence along U.S. Highway 67 to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of the facilities of Litecraft-Luminous Ceilings, Division of the Celotex Corporation, located at or near Scottsboro, Ala.

No. MC 121060 (Sub-No. E44), filed May 21, 1975. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, Ala. 35207. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators and roofing caps, and materials and supplies* used in the installation of any commodity named above (except in bulk), from Crenshaw and Pike Counties, Ala., to points in Texas, on and west of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 60 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 62/385, thence along U.S. Highway 62/385 to junction Texas Highway 115, thence along Texas Highway 115 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Texas Highway 17, thence along Texas Highway 17 to junction U.S. Highway 67, thence along U.S. Highway 67 to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of the facilities of Litecraft-Luminous Ceilings, Division of the Celotex Corporation, located at or near Scottsboro, Ala.

No. MC 121060 (Sub-No. E45), filed May 21, 1975. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, Ala. 35202. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ceiling systems, paints, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators and roofing caps, and materials and supplies* used in the installation of any commodity named above (except in bulk), from points in Dale, Autauga, and Lowndes Counties, Ala., to points in Texas, on and north of Interstate Highway 40. The purpose of this filing is to eliminate the gateway of the facilities of Litecraft-Luminous Ceilings, Division of the Celotex Corporation, located at or near Scottsboro, Ala.

No. MC 121060 (Sub-No. E46), filed May 21, 1975. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, Ala. 35207. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators and roofing caps, and materials and supplies* used in the installation of any commodity named above (except in bulk), from points in Alabama, on and

east of a line beginning at the Alabama-Tennessee State line, thence along Interstate Highway 65 to Junction U.S. Highway 280, thence along U.S. Highway 280 to junction Alabama Highway 63, thence along Alabama Highway 63 to junction Alabama Highway 229, thence along Alabama Highway 229 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Alabama Highway 130, thence along Alabama Highway 130 to junction Alabama Highway 20, thence along Alabama Highway 20 to junction Alabama Highway 131, thence along Alabama Highway 131 to the Alabama-Georgia State line to points in Oklahoma. The purpose of this filing is to eliminate the gateway of the facilities of Litecraft-Luminous Ceilings, Division of the Celotex Corporation, located at or near Scottsboro, Ala.

No. MC 125777 (Sub-No. E74), filed June 4, 1974. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: J. S. Gray, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, from Thornton, Ill., to points in Pennsylvania and New York. The purpose of this filing is to eliminate the gateway of River Rouge, Mich.

No. MC 125777 (Sub-No. E75), filed June 4, 1974. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: J. S. Gray, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, in dump vehicles, from Davenport, Iowa, to points in Indiana, Michigan, Ohio (except points in Cuyahoga, Geauga, Lorain, and Portage Counties), Pennsylvania, New York, and West Virginia. The purpose of this filing is to eliminate the gateways of points in Illinois and Burlington, Ind.

No. MC 125777 (Sub-No. E78), filed June 4, 1974. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: J. S. Gray, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fluorspar*, in bulk, in dump vehicles, from points in Livingston, Caldwell, and Crittenden Counties, Ky., to points in New York, that part of Pennsylvania on and east of U.S. Highway 16, and that part of Maryland on and east of U.S. Highway 15. The purpose of this filing is to eliminate the gateway of East Liverpool, Ohio.

No. MC 125777 (Sub-No. E81), filed June 4, 1974. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: J. S. Gray, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Stone, gravel, marble, and granite*, crushed, in bulk, in dump vehicles, from points in

South Carolina, to points in Wisconsin, Minnesota, Iowa, South Dakota, North Dakota, Nebraska, Wyoming, Montana, and Utah. The purpose of this filing is to eliminate the gateways of Champaign and Chicago, Ill.

No. MC 125777 (Sub-No. E82), filed June 4, 1974. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: J. S. Gray, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Stone, marble, granite, and gravel*, crushed, in bulk, in dump vehicles, from points in Florida, to points in Wisconsin, Minnesota, Iowa, South Dakota, North Dakota, Nebraska, Colorado, Wyoming, Montana, and Utah. The purpose of this filing is to eliminate the gateways of Champaign and Chicago, Ill.

No. MC 125777 (Sub-No. E87), filed June 4, 1974. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: J. S. Gray, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Stone, gravel, marble, and granite*, crushed, in bulk, in dump vehicles, from points in Alabama (except points in Lauderdale County), to points in Wisconsin, Minnesota, Iowa, South Dakota, North Dakota, Wyoming, and Montana. The purpose of this filing is to eliminate the gateways of Champaign and Chicago, Ill.

No. MC 136166 (Sub-No. E25), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Ore. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except asphalt, road oil, and residual fuel oil), in bulk, in tank vehicles, from Cody, Wyo., to points in Benton, Franklin, and Walla Walla Counties, Wash., with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Boise, Idaho.

No. MC 136166 (Sub-No. E74), filed May 14, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Ore. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid weed killing chemicals*, in bulk, in tank vehicles, from points in California (except those in Mono, Inyo, Los Angeles, San Bernardino, Riverside, Orange, Imperial, Lassen, and Modoc Counties), to Omaha, Nebr. The purpose of this filing is to eliminate the gateway of Richmond, Calif.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc. 75-15096 Filed 6-18-75; 8:45 am]

[Notice 10]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JUNE 19, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before July 9, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75811. By order entered June 11, 1975, the Motor Carrier Board approved the transfer to Hartman Trucking Company, Inc., Cincinnati, Ohio, of the operating rights set forth in Certificate No. MC 60886, issued April 14, 1971, to Dorothy L. Luebbe, doing business as Luebbe Express, Cincinnati, Ohio, authorizing the transportation of general commodities, with the usual exceptions, between Cincinnati, Ohio, on the one hand, and, on the other, Covington, Newport, Ludlow, Bellevue, Dayton, Southgate, and Fort Thomas, Ky. Norbert B. Flicke, 715 Executive Building, Cincinnati, Ohio 45202, practitioner for applicants.

No. MC-FC-75819. By order entered June 11, 1975, the Motor Carrier Board approved the control by John Terrell Hinds, Dallas, Tex., through the purchase of capital stock, of Anthony Tour Service, Inc., Dallas, Tex., holder of License No. MC 12862, issued March 26, 1965, authorizing operations as a broker at Dallas, Tex., in connection with the transportation by motor vehicle in interstate of foreign commerce, of passengers and their baggage, in charter service, in educational tours, beginning and ending at points in Arkansas, Colorado, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin, and extending to all points in the United States, including Alaska, but excluding Hawaii. Jack E. Brady, 3275 First National Bank Building, Dallas, Tex. 75202, attorney for applicants.

No. MC-FC-75862. By order of June 12, 1975, the Motor Carrier Board approved the transfer to Frost Truck Lines, Inc., 14750 Boyle Avenue, Fontana, Calif., of Certificates Nos. MC 118288, Sub No. 9 and MC 118288, Sub No. 39 issued by the Commission June 21, 1971, and April 30, 1973, respectively, to Stephen F. Frost, Fontana, Calif., authorizing the trans-

portation of general commodities, with exceptions, between Los Angeles, Calif., and Elko, Nev., serving all points in the Los Angeles Harbor Commercial Zone, over specified routes; and general commodities, with exceptions, serving Montgomery Pass, Nev., as an intermediate point in connection with carrier's regular-route authority between Los Angeles, Calif., and Elko, Nev., respectively.

No. MC-FC-75881. By order of June 11, 1975, the Motor Carrier Board approved the transfer to J. W. Jones Trucking, Inc., Fallston, Md., of the operating rights in Certificate No. MC 134128 (Sub-No. 2), issued November 4, 1974, to John Wayne Jones, doing business as J. W. Jones Trucking, Fallston, Md., authorizing the transportation of flooring, and materials and supplies used in the installation thereof, from the plantsites of Tate Architectural Products, Inc., at Jessup, Md., and Donn Access Floors, Inc., at Forest Hill and Fallston, Md., to points in the United States, except Alaska, Hawaii, Virginia, North Carolina, South Carolina, Georgia, and points in that part of West Virginia south of U.S. Highway 50, William J. Little, Suite 1110, Ten East Baltimore Street, Baltimore, Md. 21202, attorney for applicants.

No. MC-FC-75909. By order of June 11, 1975, the Motor Carrier Board approved the transfer to Virgil Palmer Gregory, doing business as Palmer Gregory & Sons, Route 4, Springfield, Tenn. 37172, of the operating rights in Permit No. MC 112763 (Sub-No. 3), and Certificate No. MC 118026, issued September 21, 1955, and November 27, 1961, respectively, to William C. Woodard, doing business as Woodard Truck Lines, Springfield, Tenn. 37172, authorizing the transportation of reprocessed wool, remanufactured wool, reused wool, garnetted wool, wool shoddy, blended wool, rayon staple, and garnetted rayon, in bales and bags, from Milford, Del., Woonsocket, R.I., Worcester, Mass., Framingham, Wamesit, Lowell, and Boston, Mass., Albany and New York, N.Y., and Philadelphia, Pa., to Lebanon, Tenn., and imported wool, wool tops and noils and wool waste (carded, spun, woven, or knitted), from named points in Massachusetts, New Jersey, and Pennsylvania to specified points in Tennessee. Dual operations were approved.

[SEAL] ROBERT L. OSWALD,
Secretary.
[FR Doc. 75-15997 Filed 6-18-75; 8:45 am]

[Notice 67]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 16, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act

provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, on or before July 7, 1975. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 56082 (Sub-No. 68TA), filed June 2, 1975. Applicant: DAVIS & RANDALL, INC., P.O. Box 390, Fredonia, N.Y. 14063. Applicant's representative: Herbert M. Canter, 315 Seitz Building, 301 East Jefferson Street, Syracuse, N.Y. 14202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Milwaukee, Wis., to points in Allegany, Cattaraugus, Chautauqua, Chemung, Erie, Jefferson, Genesee, Livingston, Monroe, Niagara, Onondaga, Steuben, Tompkins, Wayne, and Wyoming Counties, N.Y., and the city of New York, N.Y., for 180 days. Supporting shipper: Miller Brewing Company, 4000 West State Street, Milwaukee, Wis. 53208. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 612 Federal Building, 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 59098 (Sub-No. 9TA), filed June 4, 1975. Applicant: KNAPP'S EXPRESS, INC., 37 Emerson Street, Ridgefield Park, N.J. 07660. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Floor coverings and materials, equipment, and supplies* used in the installation and sale of floor coverings, between points in New Jersey, on the one hand, and, on the other, Ridgefield Park (Bergen County), N.J., Orange, Rockland, Putnam, Suffolk Counties, N.Y., and Fairfield County, Conn. The above authority is also to be tacked with carrier's presently held authority in MC 59059 and Sub. No. 4 at Ridgefield Park (Bergen County), N.J.; (2) *textile products*, between Ridgefield Park (Bergen County), N.J., on the one hand, and, on the other, points in Suffolk County, N.Y. The above authority is also to be tacked with carrier's presently held authority in MC 59059, Sub. No. 5, for 180 days. Supporting shippers: There are eight statements of support attached

to the application, which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 103993 (Sub-No. 856 TA), filed June 6, 1975. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Buildings*, complete, knocked down, or in sections; (2) *building sections and building panels*; (3) *parts and accessories* used in the installation and completion of commodities in (1) and (2) above; and (4) *metal prefabricated structural components and panels and accessories* used in the installation and completion thereof, from the plantsite and storage facilities of Armco Steel Corporation, in Gregg County, Tex., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Armco Steel Corporation, 1455 West Loop South, Houston, Tex. 77207. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, Ind. 46802.

No. MC 107162 (Sub-No. 38 TA), filed June 6, 1975. Applicant: NOBLE GRAHAM TRANSPORT, INC., Rural Route 1, Brimley, Mich. 49715. Applicant's representative: Michael S. Varda, 121 South Pinckney Street, Madison, Wis. 53703. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pallets*, from Wilson, Mich., and Wautoma, Wis., to points in Michigan, Indiana, Iowa, Illinois, Wisconsin, and Minnesota, for 180 days. Supporting shipper: Pallets Inc., 870 Waverly Place, Green Bay, Wis. 54304. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Mich. 48933.

No. MC 107295 (Sub-No. 768 TA), filed June 4, 1975. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Duane Zehr (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Buildings*, complete, knocked down, or in sections; (2) *building sections and building panels*; (3) *parts and accessories* used in the installation and completion of commodities in (1) and (2) above; and (4) *metal prefabricated structural components and panels and accessories* used in the installation and completion thereof, from the plantsite and storage facilities of Armco Steel Corporation in Gregg County, Tex., to points in the United States (except Alaska and Hawaii), for 180 days. Sup-

porting shipper: Michael E. Burney, Assistant manager, Transportation, Southwestern Area, Armco Steel Corporation, 1455 West Loop South, Houston, Tex. 77027. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 107544 (Sub-No. 117TA), filed May 29, 1975. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, P.O. Box 580, Marion, Va. 24354. Applicant's representative: Daryl J. Henry (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Carbon, in bulk, in tank vehicles, from Muncy, Pa., to points in Indiana, New Jersey, New York, Ohio, Pennsylvania, and West Virginia, for 180 days. Supporting shipper: Westvaco Corporation, 299 Park Avenue, New York, N.Y. 10017. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 107544 (Sub-No. 118TA), filed June 4, 1975. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, P.O. Box 580, Marion, Va. 24354. Applicant's representative: Daryl J. Henry (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum lubricating oil, in bulk, in tank vehicles, from Bluefield and Hugheston, W. Va., to points in Buchanan, Russell, Tazewell, and Wise Counties, Va., except points in Tazewell County, Va., from Hugheston, W. Va., for 180 days. Supporting shipper: Texaco, Inc., 1111 Rusk Avenue, Houston, Tex. 77052. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 110325 (Sub-No. 66TA), filed June 6, 1975. Applicant: TRANSCON LINES, 101 Continental Boulevard, El Segundo, Calif. 90245. Applicant's representative: Jerome Biniasz, P.O. Box 92220, Los Angeles, Calif. 90009. Authority sought to operate as a contract carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between Grand Rapids, Mich., and Muskegon, Mich., including points within its Commercial Zone, and serving the intermediate point of Grand Haven, Mich.; from Grand Rapids, over Interstate Highway 96 to Muskegon, and return over the same route; from Grand Rapids over Michigan Highway 45 to junction Michigan Highway 11, thence over Interstate Highway 11 to junction Interstate Highway 96, thence over Interstate Highway 96 to Muskegon, also over Interstate Highway 96 to junction U.S. Highway 31, thence over U.S. Highway 31 to Muskegon, and return over the

same route; from Grand Rapids over Michigan Highway 45 to junction U.S. Highway 31, thence over U.S. Highway 31 to Muskegon, and return over the same route. Restriction: The operations authorized herein are restricted to shipments transported by carrier to and from points on its authorized routes west of the States of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, for 180 days. Supporting shippers: There are approximately 27 statements of supporting shippers attached to the application, names of which may be secured by contacting Transportation Assistant Mildred I. Price in the Los Angeles Field office at 213-688-4008. Send protests to: Philip Yallowitz, District Supervisor, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

NOTE.—Applicant intends to join with its existing authority MC 110325 at Grand Rapids, Mich.

No. MC 111729 (Sub-No. 548 TA), filed June 2, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Laboratory specimens, from Blytheville and Osceola, Ark., to points in Memphis, Tenn.; (2) Pharmaceuticals, drugs, sundry items, materials, and supplies, from points in Jefferson County, La., to points in George, Hancock, Harrison, Pearl River, and Stone Counties, Miss.; and points in Mobile County, Ala., for 180 days. Supporting shippers: Clinical Laboratories of Memphis, Inc., 81 Tillman, Memphis, Tenn. 38111. Amfac Drug Supply, 2615 Edinboro Avenue, Metairie, La. Send protests to: Anthony D. Glaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, Room 1807, New York, N.Y. 10007.

No. MC 113459 (Sub-No. 99 TA), filed June 5, 1975. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, 136 Wyneewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Buildings, complete, knocked down, or in sections; (2) building sections and building panels; (3) parts and accessories used in the installation and completion of commodities in (1) and (2) above; and (4) metal prefabricated structural components and panels and accessories used in the installation and completion thereof, from the plantsite and storage facilities of Armco Steel Corporation, in Gregg County, Tex., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Armco Steel Corporation, Michael E. Burney, Assistant Manager, Transportation, 1455 West Loop South, Houston, Tex. 77027. Send pro-

tests to: Marie Spillars, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 240 Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 114290 (Sub-No. 76 TA), filed June 6, 1975. Applicant: EXLEY EXPRESS, INC., 2610 Southeast Eighth Avenue, Portland, Ore. 97202. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Smoked and processed meats and meat products and smoked salmon, from Tillamook, Ore., to points in California, for 180 days. Supporting shipper: Tillamook Country Smoker, Inc., P.O. Box 203, Bay City, Ore. 97107. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Ore. 97204.

No. MC 119710 (Sub-No. 25 TA), filed June 3, 1975. Applicant: SHUPE BROS. CO., P.O. Box 929, Greeley, Colo. 80631. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Salt and salt products, from Saltair, Utah, to points in Downs and Stockton, Kans., restricted to service performed under a continuing contract with Morton Salt Company, a division of Morton-Norwich Products, Inc., for 180 days. Supporting Shipper: Morton Salt Company, a Division of Morton-Norwich Products, Inc., 6175 The Paseo, Kansas City, Mo. 64110. Send protests to: Roger L. Buchanan, District supervisor, Interstate Commerce Commission, 1961 Stout Street, 2022 Federal Building, Denver, Colo. 80202.

No. MC 119774 (Sub-No. 84 TA), filed June 4, 1975. Applicant: EAGLE TRUCKING COMPANY, 301 East Main Street, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Buildings, complete, knocked down, or in sections; (2) building sections and panels; (3) parts and accessories used in the installation and completion of commodities in (1) and (2) above; and (4) metal prefabricated structural components and panels and accessories used in the installation and completion thereof, from the plant site and storage facilities of Armco Steel Corporation in Gregg County, Tex., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Armco Steel Corporation, 1455 West Loop South, Houston, Tex. 77027. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 119789 (Sub-No. 258 TA), filed June 6, 1975. Applicant: CARAVAN RE-

FRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toys*, from Lancaster, Pa., and Hagerstown, Md., to points in Arizona, Arkansas, California, Colorado, Idaho, Louisiana, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, and Washington, for 180 days. Supporting shipper: Gabriel Industries, 114 Fifth Avenue, New York, N.Y. 10011. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 120430 (Sub-No. 11 TA), filed June 4, 1975. Applicant: **COASTAL TRANSPORT CO., INC.**, 6300 Richmond Avenue, P.O. Box 22592, Houston, Tex. 77027. Applicant's representative: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings* complete, knocked down, or in sections; (2) *building sections* and building panels; (3) *parts and accessories* used in the installation and completion of commodities in (1) and (2) above; and (4) *metal pre-fabricated structural components and panels and accessories* used in the installation and completion thereof, from the plantsite and storage facilities of Armco Steel Corporation, in Gregg County, Tex., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Armco Steel Corporation, 1455 West Loop South, Houston, Tex. 77027. Send protests to: John F. Mensing, District Supervisor, Interstate Commerce Commission, Room 8610 Federal Building, 515 Rusk Avenue, Houston, Tex. 77002.

No. MC 134599 (Sub-No. 127TA), filed June 4, 1975. Applicant: **INTERSTATE CONTRACT CARRIER CORPORATION**, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sponge rubber carpet cushion, footwear, and rubber chemicals* (except in bulk), from Beacon Falls, Naugatuck, Waterbury, and Waterville, Conn., and points in their commercial zones, to points in Chicago, Ill.; Dallas, Tex.; Denver, Colo.; Los Angeles, Calif.; Phoenix, Ariz.; St. Louis, Mo.; Salt Lake City, Utah; San Francisco, Calif.; and Seattle, Wash., and points in their commercial zones, for 180 days. Supporting shipper: Uniroyal, Inc., Oxford Management and Research Center, Middlebury, Conn. 06749. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 134889 (Sub-No. 1TA), filed June 4, 1975. Applicant: **CITRUSALES, INC.**, P.O. Box 9094, Winter Haven, Fla.

33880. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus concentrate*, in bulk, in compartmental tank vehicles, from the plantsite of Redd Orange Concentrates, Inc., Lakeland, Fla., to points in Richmond, Va.; Elmont, Long Island, N.Y.; Brooklyn, N.Y.; Norwalk, Ellington, and Danbury, Conn., for 180 days. Supporting shipper: Redd Orange Concentrates, Inc., 1900 Griffin Knights Road, Lakeland, Fla. 33802. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 NW 53rd Terrace, Miami, Fla. 33166.

No. MC 138054 (Sub-No. 9TA), filed June 4, 1975. Applicant: **CONDOR CONTRACT CARRIERS, INC.**, P.O. Box 1354, Garden Grove, Calif. 92642. Applicant's representative: Patrick E. Quinn, 605 South 14th St., P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Garbage disposal units, waste compactor units and hot water dispensers, and parts and accessories* for such commodities (except commodities in bulk, in tank vehicles, and commodities which by reason of size or weight require the use of special equipment), from points in Racine, Wis., to points in Dayton, Ohio, and Indianapolis, Ind. Restriction: The operations sought herein are limited to a transportation service to be performed under a continuing contract or contracts with Emerson Electric Co., for 180 days. Supporting shipper: Emerson Electric Co., 8100 West Florissant, St. Louis, Mo. 63136. Send protest to: Philip Yellowitz, District Supervisor, Interstate Commerce Commission, Room 1321, Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 138758 (Sub-No. 4TA), filed June 6, 1975. Applicant: **NORTHERN GAS, INC.**, Vail Hill, Lyndonville, Vt. 05851. Applicant's representative: John P. Monte, 61 Summer St., Barre, Vt. 05641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Propane*, in bulk, from points in Newington, N.H., to points in the states of Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont, for 180 days. Supporting shippers: Sea-3, Inc., 1 State St., Boston, Mass. 02109. Pyrofax Gas Corporation, P.O. Box 2521, Houston, Tex. 77001. North American Utility Construction Corp., 660 Madison Avenue, New York, N.Y. 10021. C. M. Dining, Inc., 27 Garfield St., Exeter, N.H. 03833. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 548, Montpelier, Vt. 05602.

No. MC 140148 (Sub-No. 2TA), filed June 4, 1975. Applicant: **CITY AND LOOP EXPRESS, INC.**, 453 N. May St., Chicago, Ill. 60622. Applicant's representative: Patricia Anderson (same address as applicant). Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading), from Chicago, Ill., and Portage and Burns Harbor, Ind., to points in Lake, Cook, Kane, Will, and DuPage Counties, Ill., restricted to shipments having a prior movement by water in foreign commerce, for 180 days. Supporting shippers: Essay International Inc., 812 Busse Hwy., Park Ridge, Ill.; Holleb & Company, 3223 S. Western, Chicago, Ill.; Chinese Trading Co., 2261 S. Wentworth Ave., Chicago, Ill.; Edward Don Company, 2500 S. Harlem, North Riverside, Ill.; Edward O. Drane Company, 1400 N. Halsted St., Chicago, Ill. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 140647 (Sub-No. 1TA) (Correction), filed May 13, 1975, published in the FEDERAL REGISTER issue of June 2, 1975, and republished as corrected this issue. Applicant: **SFOKIE SALES AND CONSTRUCTION, INC.**, Antelope, Mont. 59211. Applicant's representative: William E. O'Leary, P.O. Box 225, Helena, Mont. 59601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Margarine, mayonnaise, salad dressing, syrup and plastic containers*, from points in Multnomah County, Oreg., to (1) points in Great Falls, Billings and Missoula, Montana; (2) points in North Dakota (including Bismarck, Williston, Minot), South Dakota (including Rapid City, Pierre, and Sioux Falls), and Minnesota (including Minneapolis, and the commercial area thereof, and Hopkins), for 180 days. Supporting shipper: Gregg's Food Products, Inc., 9000 NE. Marx Drive, Portland, Oreg. 97220. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101. The purpose of this republication is to correctly spell the applicant's name.

No. MC 140860 (Sub-No. 1TA), filed June 6, 1975. Applicant: **BRAY TRUCKING, INC.**, Route 2, Butter, Ky. 41006. Applicant's representative: George M. Catlett, 703-706 McClure Bldg., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, in dump vehicles, from the plantsite of the Hilltop Concrete Co., Inc., Cincinnati, Ohio, to the facilities of Reliance Universal, Inc., at or near Melbourne, Campbell County, Ky., for 180 days. Supporting shippers: Thomas J. Ellerson, General Manager, Hilltop Concrete Corporation, P.O. Box 11056, Cincinnati, Ohio 45211; William Law, Plant Manager, Reliance Universal, Inc., P.O. Box 85, Melbourne, Ky. 41059. Send protests to: R. W. Schnitzer, District Supervisor, Interstate

Commerce Commission, 216 Bakhaus Bldg., 1500 West Main St., Lexington, Ky. 40505.

No. MC 140979 (Sub-No. 1TA), filed June 4, 1975. Applicant: DALE R. GRAGE, doing business as GRAGE CONTRACT CARRIER, Route 1, Box 155, Mellen, Wis. 54546. Applicant's representative: Dale R. Grage (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Lumber, from Ashland, Wis., to the U.P. of Michigan and Minnesota, North of I-94, for 180 days. Supporting shipper: Continental Forest Products Co., 220 Front St., E., Ashland, Wis. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 140984 TA (Correction), filed May 21, 1975, published in the FEDERAL REGISTER issue of June 9, 1975, and republished as corrected this issue. Applicant: PANIC AIRFREIGHT, INC., AMF Box 81134, Cleveland Hopkins International Airport, Cleveland, Ohio 44181. Applicant's representative: Edwin C. Reminger, 731 Leader Bldg., C. Cleveland, Ohio 44114. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except in bulk), having a prior or subsequent air movement, or moving in substituted air movement by motor for air service, between Cleveland Hopkins International Airport, Cleveland, Ohio, and Lorain County Airport, Lorain, Ohio, on the one hand, and, on the other, Detroit City Airport, Detroit, Mich., Detroit Metropolitan Airport, Wayne, Mich., and Willow Run Airport, Ypsilanti, Mich., for 180 days. Supporting shipper: There are ten supporting statements attached to the application, names of shippers may be obtained from the District Supervisor. Send protests to: James Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Bldg., 1240 East Ninth St., Cleveland, Ohio 44199. The purpose of this republication is to clarify the territorial description.

No. MC 141023 TA, filed May 29, 1975. Applicant: R. S. D. TRANSPORTATION, INC., South Main Street, West Lebanon, N.H. 03784. Applicant's representative: Albert J. Clione, Jr., Suite 209, National Bank Bldg., Lebanon, N.H. 03786. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Lumber, forest products, wood chips, building materials, wooden poles, piling, fences, wood products, bridge planking, and ties, between points in New Hampshire and Vermont, on the one hand, and, on the other, points in Maine, Connecticut, Massachusetts, New York, New Jersey, Pennsylvania, Maryland, Delaware, District of Columbia, Ohio, Illinois, Missouri, Kentucky,

Virginia, and West Virginia, and between points in New Hampshire and Vermont, for 180 days. Supporting shipper: P. K. Brown & Sons, Inc., RFD, Claremont, N.H. 03743. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Bldg., Concord, N.H. 03301.

No. MC 141022 TA, filed June 5, 1975. Applicant: MILLER OF HIAWATHA, INC., P.O. Box 338, Highland, Kans. 66035. Applicant's representative: Clyde N. Christey, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Agricultural implements and machinery and agricultural implements and machinery parts, from the John Deere Company plantsite and/or storage facilities at or near East Moline, Ill.; Moline, Ill.; Waterloo, Iowa; Ankeny, Iowa; Ottumwa, Iowa; Dubuque, Iowa; Welland, Ontario, Canada; and Kansas City, Mo., to Hiawatha, Kans.; Lawn and garden care equipment and chain saws and parts, from Horicon, Wis., to Hiawatha, Kans.; New and used agricultural implements or machinery and agricultural implement or machinery parts, between Cornlea, Nebr., on the one hand, and Hiawatha, Kans., on the other; Agricultural implements and machinery and agricultural implement and machinery parts, lawn and garden care equipment and chain saws, and steel buildings, grain bins and grain handling and drying equipment, from Hiawatha, Kans., to Buchanan County, Platte County, Andrew County, and Holt County, in Missouri and to Pawnee County and Richardson County, in Nebraska, under contract with Hiawatha Implement Co., Inc., of Hiawatha, Kans.; Agricultural implements and machinery and agricultural implements and machinery parts, from the John Deere Company plantsite and/or storage facilities at or near East Moline, Ill.; Moline, Ill.; Waterloo, Iowa; Ankeny, Iowa; Ottumwa, Iowa; Dubuque, Iowa; Welland, Ontario, Canada; and Kansas City, Mo., to Highland, Kans.; Lawn and garden care equipment and chain saws and parts and attachments for lawn and garden care equipment and chain saws, from Horicon, Wis., to Highland, Kans.; New and used agricultural implements or machinery and agricultural implements or machinery parts, between Cornlea, Nebr., on the one hand, and Highland, Kans., on the other; Steel buildings, grain bins, and grain handling and drying equipment, from the Behlen Company plantsite and/or storage facility at or near Columbus, Nebr., and the Stormore Company plantsite and/or storage facility at or near Fremont, Nebr., to Highland, Kans.; Agricultural implements and machinery and agricultural implements and machinery parts, and lawn and garden care equipment and chain saws and parts and attachments for lawn and garden care equipment and chain saws, and steel

buildings, grain bins and grain handling and drying equipment, from Highland, Kans., to Buchanan County, Platte County, Andrew County, and Holt County in Missouri and to Pawnee County and Richardson County in Nebraska, under contract with Miller Implement Company of Highland, Kans., for 180 days. Supporting shippers: Miller Implement Company, Box 338, Highland, Kans. 66035. Hiawatha Implement Co., Inc., 710 Utah, Hiawatha, Kans. 66434. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Bldg., Topeka, Kans. 66603.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-16000 Filed 6-18-75; 8:45 am]

[Ex Parte No. 241; Exemption No. 96,
Amdt. 1]

DETROIT, TOLEDO, AND IRONTON RAILROAD CO. AND NORFOLK AND WESTERN RAILWAY CO.

Exemption Under Provision of Rule 19 of the Mandatory Car Service Rules

Upon further consideration of Exemption No. 96 issued March 17, 1975.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 96 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire September 30, 1975.

This amendment shall become effective June 15, 1975.

Issued at Washington, D.C., June 12, 1975.

INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc.75-16002 Filed 6-18-75; 8:45 am]

[Ex Parte No. 241; Exemption No. 90,
Amdt. 3]

EXEMPTION UNDER PROVISION OF RULE 19 OF THE MANDATORY CAR SERVICE RULES

Upon further consideration of Exemption No. 90 issued November 27, 1974.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 90 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire August 15, 1975.

This amendment shall become effective June 15, 1975.

Issued at Washington, D.C., June 9, 1975.

INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc.75-16001 Filed 6-18-75; 8:45 am]

[Notice No. 48]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JUNE 13, 1975.

The following applications are governed by Special Rule 1100 247¹ of the Commission's general rules of practice (49 CFR, as amended), published in the *Federal Register* issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the *Federal Register*. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the *Federal Register* issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

¹ Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the "Federal Register" of a notice that the proceeding has been assigned for oral hearing.

Evidence respecting how equipment is expected to be returned to an origin point, as well as other data relating to operational feasibility (including the need for dead-head operations), must be presented as part of an applicant's initial evidentiary presentation (either at oral hearing or in its opening verified statement under the modified procedure) with respect to all applications filed on or after December 1, 1973.

If an applicant states in its initial evidentiary presentation that empty or partially empty vehicle movements will result upon a grant of its application, applicant will be expected (1) to specify the extent of such empty operations, by mileages and the number of vehicles, that would be incurred, and (2) to designate where such empty vehicle operations will be conducted.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 730 (Sub-No. 378), filed May 21, 1975. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a Corporation, 1417 Clay Street, P.O. Box 958, Oakland, Calif. 94604. Applicant's representative: Alfred G. Krebs (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Tennant Company at Maple Grove, Minn., as an off-route point in connection with carrier's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Minneapolis, Minn., or San Francisco, Calif.

No. MC 1380 (Sub-No. 19), filed May 2, 1975. Applicant: COLONIAL MOTOR FREIGHT LINE, INC., P.O. Box 5468, High Point, N.C. 27262. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and those requiring special equipment), between points in Allendale, Dorchester, Berkeley, Georgetown, Colleton, Hampton, Jasper, Beaufort, and Charleston Counties, S.C.

NOTE.—Applicant states that it intends to tack the above requested authority with its presently held irregular route authority in

MC 1380 (Sub-No. 8) at points in Allendale, Hampton, Colleton, Dorchester, Berkeley, and Georgetown Counties, S.C., located within 150 miles of Charlotte, N.C., to perform service between points in the requested counties, on the one hand, and, on the other, Charlotte, N.C., and points within one mile of Charlotte. At Charlotte, N.C., applicant intends to tack its various regular and irregular route authorities held in MC 1380 and sube thereunder to provide service between the requested counties, on the one hand, and, on the other, various specified points and territories located in North Carolina, Virginia, Maryland, the District of Columbia, and Tennessee. The specific points and territories applicant intends to serve are contained in the docket for this application, which may be viewed at the offices of the Interstate Commerce Commission, Washington, D.C. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Washington, D.C.

No. MC 1846 (Sub-No. 7), filed May 23, 1975. Applicant: W. D. KIBLER TRUCKING COMPANY, 80 South State Street, Indianapolis, Ind. 46201. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Such merchandise as is dealt in by wholesale, retail, and chain grocer and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, between the warehouse facilities of The Great Atlantic & Pacific Tea Company located at Indianapolis, Ind., on the one hand, and, on the other, points in Kentucky and Ohio, under a continuing contract with The Great Atlantic & Pacific Tea Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Chicago, Ill.

No. MC 2202 (Sub-No. 495), filed May 16, 1975. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, 2001 Massachusetts Ave. NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Dow Corning Corporation located at or near Hemlock, Mich., as an off-route point in connection with applicant's present regular routes.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Lansing, Mich., or Washington, D.C.

No. MC 2230 (Sub-No. 18), filed May 19, 1975. Applicant: MACK'S TRANSPORT SERVICE, INC., 1215 North 17th Street, P.O. Box 82497, Lincoln, Nebr. 68501. Applicant's representative: Earl Stewart (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Motor vehicles (except

trailers and trailers designed to be drawn by motor vehicles, i.e. mobile homes), in secondary movements by truckaway service, between Omaha, Nebr., and points in South Dakota (except Lawrence, Custer, Mead, Pennington, Butte, and Fall River Counties, S. Dak.), restricted against the transportation of traffic having had an immediate prior movement from the plantsites of the Ford Motor Company and General Motors Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Lincoln, Nebr.

No. MC 2304 (Sub-No. 34), filed May 15, 1975. Applicant: THE KAPLAN TRUCKING COMPANY, a Corporation, 2900 Chester Avenue, Cleveland, Ohio 44114. Applicant's representative: James M. Burch, 100 East Broad Street, Suite 1800, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Springs and related parts thereof*, from Columbia, Tenn., to DuBois, Pa.; and (2) *springs, and materials and supplies* used in the manufacture and installation of springs, from DuBois, Pa.; McDonald, Ohio; Gary, Ind.; and Buffalo, N.Y., to Columbia, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Pittsburgh, Pa.

No. MC 5101 (Sub-No. 9), filed May 12, 1975. Applicant: SREIN FURNITURE CARRIERS, INC., 2307 Bristol Pike, Croydon, Pa. 19020. Applicant's representative: James H. Sweeney, P.O. Box 684, Woodbury, N.J. 08096. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Styrofoam chests, containers and parts, and materials* used or useful in the manufacture thereof (except in bulk), between the plantsite and warehouse facilities of Life-Like Products, Inc., located at or near Baltimore, Md., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Kentucky, Louisiana, Maine, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 5470 (Sub-No. 103), filed May 21, 1975. Applicant: TAJON, INC., P.O. Box 146, R.D. 5, Mercer, Pa. 16137. Applicant's representative: Don Cross, 918 16th St. NW, Suite 700, Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ferro alloys, ores, and quartzite*, in dump vehicles, between Niagara Falls, N.Y., and Buffalo, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., or Buffalo, N.Y.

No. MC 7381 (Sub-No. 15), filed May 15, 1975. Applicant: WEBB'S TRANSPORT, INC., Suffolk, Va. 23434. Applicant's representative: Elliott Bunce, 618 Perpetual Bldg., Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk), in containers, trailers, and empty containers, between points in the Norfolk, Va., Commercial Zone, as defined by the Commission.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Richmond, Va., or Washington, D.C.

No. MC 19227 (Sub-No. 213), filed May 15, 1975. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 Northwest 20th Street, Miami, Fla. 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic coated wire fabric, and wire mesh, and accessory items*, from the plant and warehouse facilities of C. E. Shepherd Co., at Houston, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 19227 (Sub-No. 214), filed May 15, 1975. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 NW. 20th Street, Miami, Fla. 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Emulsified asphalt paving machines*, unmounted and truck-mounted, parts and accessories; and (2) *tractor drawn sweepers, component parts and accessories*, from points in McLennan County, Tex., to points in Alabama, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Montana, Nevada, New York, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Tennessee, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 19311 (Sub-No. 30), filed May 5, 1975. Applicant: CENTRAL TRANSPORT, INC., 34200 Mound Road, Sterling Heights, Mich. 48077. Applicant's representative: Walter N. Bieman, 100 West Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment). (1) Between Bay City, Mich., and Sault Ste. Marie, Mich.: From Bay City, Mich.,

over Interstate Highway 75 to Sault Ste. Marie, Mich., and return over the same route, serving all intermediate points, except Linwood, Pinconning, and Standish; (2) Between Saginaw, Mich., and Farwell, Mich.: From Saginaw, Mich., over Michigan Highway 47 to Junction U.S. Highway 10, thence over U.S. Highway 10 to Farwell, Mich., and return over the same route, serving all intermediate points; (3) Between St. Johns, Mich., and Junction Interstate Highway 75: From St. Johns, Mich., over U.S. Highway 27 to Junction Interstate Highway 75, and return over the same route, serving all intermediate points; (4) Between Midland, Mich., and Junction U.S. Highway 27 at Mt. Pleasant, Mich.: From Midland, Mich., over Michigan Highway 20 to junction with U.S. Highway 27 at Mt. Pleasant, Mich., and return over the same route, serving all intermediate points; (5) Between St. Louis, Mich., and Junction Michigan Highway 20 west of Midland, Mich.: From St. Louis, Mich., over unnumbered county road (River Road) northeast to junction Michigan Highway 20 west of Midland, Mich., and return over the same route, serving all intermediate points; (6) Between Meredith, Mich., and Roscommon, Mich., and Interstate Highway 75: From Meredith, Mich., over Michigan Highway 18 to Roscommon, Mich., thence over Business Route Interstate Highway 75 to Junction Interstate Highway 75 and return over the same route, serving all intermediate points; (7) Between Junction U.S. Highway 27 and Michigan Highway 55 and Junction Interstate Highway 75: From Junction U.S. Highway 27 and Michigan Highway 55 to Junction Interstate Highway 75 and Michigan Highway 55 and return over the same route, serving all intermediate points.

(8) Between Mackinaw City, Mich., and Junction Interstate Highway 75: From Mackinaw City, Mich., over U.S. Highway 23 to Cheboygan, Mich., thence over Michigan Highway 27 to Junction Interstate Highway 75 and return over the same route, serving all intermediate points; (9) Between Junction U.S. Highway 31 and Interstate Highway 75 and Frankfort, Mich.: From Junction U.S. Highway 31 and Interstate Highway 75 near Mackinaw City, Mich., over U.S. Highway 31 to Junction Michigan Highway 115 at Benzonia, thence over Michigan Highway 115 to Frankfort, Mich., and return over the same route, serving all intermediate points; (10) Between Indian River, Mich., and Junction U.S. Highway 31: From Indian River, Mich., over Michigan Highway 68 to Junction U.S. Highway 31 and return over the same route, serving all intermediate points; (11) Between Junction County Road C-48 and Interstate Highway 75 and Junction U.S. Highway 131: From Junction County Road C-48 and Interstate Highway 75 near Vanderbilt, Mich., over County Road C-48 to Boyne Falls, Mich., thence over Michigan Highway 75 over Boyne City,

Mich., to junction with U.S. Highway 131 and return over the same route, serving all intermediate points; (12) Between Gaylord, Mich., and Alba, Mich.: From Gaylord, Mich., over Michigan Highway 32 to East Jordan, Mich., and thence over County Road C-48 to Atwood; also from junction Michigan Highway 32 and County Road C-42 over County Road C-42 to Alba, Mich., and return over the same route, serving all intermediate points; (13) Between junction County Road C-38 and Interstate Highway 75 and Eastport, Mich.: From junction County Road C-38 and Interstate Highway 75 near Otsego Lake, Mich., over County Road C-38 to Mancelona, Mich., thence over Michigan Highway 88 to Eastport, Mich., and return over the same route, serving all intermediate points.

(14) Between junction Michigan Highway 88 and County Road C-65 and Charlevoix, Mich.: From junction Michigan Highway 88 and County Road C-65 near Central Lake, Mich., over County Road C-65 to Charlevoix, Mich., and return over the same route, serving all intermediate points; (15) Between Grayling, Mich., and Acme, Mich.: From Grayling, Mich., over Michigan Highway 72 to Acme, Mich., and return over the same route, serving all intermediate points; (16) Between Petoskey, Mich., and Kalkaska, Mich.: From Petoskey, Mich., over U.S. Highway 131 to Kalkaska, Mich., and return over the same route, serving all intermediate points; (17) Between Charlevoix, Mich., and Mancelona, Mich.: From Charlevoix, Mich., over Michigan Highway 66 to Mancelona, Mich., and return over the same route, serving all intermediate points; (18) Between Grand Rapids, Mich., and junction Michigan Highway 46 and Edmore, Mich.: From Grand Rapids, Mich., over U.S. Highway 131 to junction Michigan Highway 46, thence over Michigan Highway 46 to Edmore, Mich., and return over the same route, as an alternate route serving no intermediate points; and (19) Serving all off route points within five miles of routes 1 through 17 above described except Linwood, Pinconning, and Standish. Also serving all off route points in the Counties of Antrim, Charlevoix and Emmet.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Lansing or Detroit, Mich.

No. MC 23618 (Sub-No. 23), filed May 19, 1975. Applicant: McALISTER TRUCKING COMPANY, a Corporation, 1618 South Treadway Boulevard, P.O. Box 2377, Abilene, Tex. 79604. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as defined in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and storage facilities of Georgetown Texas Steel Corporation lo-

cated at or near Beaumont, Tex., to points in Alabama, Arkansas, Florida, Louisiana, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Houston or Fort Worth, Tex.

No. MC 27817 (Sub-No. 115), filed May 21, 1975. Applicant: H. C. GABLER, INC., R.D. #3, Chambersburg, Pa. 17201. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the shipping facilities of Heinz U.S.A., Division of H. J. Heinz Company, located at Henderson, N.C., to the facilities of Heinz U.S.A., Division of H. J. Heinz Company located at Harrison, N.J., Toledo and Fremont, Ohio, and Mechanicsburg, Pa., restricted to traffic originating at and destined to the above origin and destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Harrisburg, Pa.

No. MC 29886 (Sub-No. 324), filed May 12, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Self-propelled articles* weighing 15,000 pounds or more; and (2) *parts, attachments, and accessories* for commodities named in (1) above, between the plantsites of FMC Corporation located at or near Bowling Green, Ky., on the one hand, and, on the other, points in the United States including Alaska, but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 29910 (Sub-No. 162), filed May 23, 1975. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901. Applicant's representative: Don A. Smith, P.O. Box 43, Kelley Building, Fort Smith, Ark. 72901. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Air coolers, heaters, humidifiers, blowers and fans, and parts and accessories thereof*, from Stuttgart, Ark., to points in Alabama, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Iowa, Missouri, Mississippi, North Carolina, New York, Ohio, Pennsylvania, South Carolina, Tennessee, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo. and Memphis, Tenn.

No. MC 30378 (Sub-No. 58), filed May 19, 1975. Applicant: ASSOCIATED TRANSPORT, INC., 9050 Pershall Road, Hazelwood, Mo. 63042. Applicant's representative: Bruce A. Bullock, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to op-

erate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Automobiles, tractors, trucks, and new chassis*, in initial and secondary movements, in truckaway and driveway service, and farm tractors, in secondary movements, in truckaway service, from the plantsite of the Ford Motor Company at Claycomo, Mo., to points in Iowa on and south of U.S. Highway 34 to Mt. Pleasant, Iowa, thence on and east of a line commencing with northbound U.S. Highway 218 to Iowa City, Iowa, thence along Iowa State Highway 1 to its junction with U.S. Highway 151, thence along U.S. Highway 151 to the Iowa-Illinois State Line, and to points in Nebraska on and south of a line commencing at the Missouri River, thence along U.S. Highway 34 to Grand Island, Nebraska, thence over U.S. Highway 30 to the Nebraska-Wyoming State Line, restricted to traffic originating at plantsites of the Ford Motor Company and its subsidiaries; (2) *new, used, and unfinished motor vehicles*, in truckaway and driveway service, between points in Kansas, Missouri, Oklahoma, and Nebraska, restricted to traffic moving from or to dealerships or facilities of the Ford Motor Company and its subsidiaries; (3) *automobiles, trucks, farm tractors, and chassis*, in secondary movements, in truckaway service, from the plantsite of the Ford Motor Company at Claycomo, Mo., to points in Arkansas, Illinois, Minnesota, and Wisconsin, restricted to traffic originating at plantsites of the Ford Motor Company and its subsidiaries; (4) *farm tractors*, in initial or secondary movements, in truckaway service, from the plantsite of the Ford Motor Company at Claycomo, Mo., to points in Arkansas, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, and Wyoming, restricted to traffic originating at the plantsites of the Ford Motor Company and its subsidiaries; (5) *automobiles and trucks*, in secondary movements, in driveway service, from the plantsite of the Ford Motor Company at Claycomo, Mo., to points in Arkansas, Illinois, Minnesota, and Wisconsin, restricted to traffic originating at the plantsites of the Ford Motor Company and its subsidiaries; and (6) *new automobiles, new trucks, and new chassis*, in initial movements, in driveway service, from the plantsite of the Ford Motor Company at Claycomo, Mo., to points in Kansas, Missouri, and Oklahoma, restricted to traffic originating at the above named plantsite.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich.

No. MC 30844 (Sub-No. 542), filed May 12, 1975. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50702. Applicant's representative: Paul Rhodes (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such materials, supplies, and commodities as are used by meatpackers in the conduct of their bus-*

ness, from points in Colorado, Connecticut, Delaware, Illinois, Indiana, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Vermont, Virginia, West Virginia, and Wisconsin, to Waterloo and Columbus Junction, Iowa, restricted to shipments destined to the plantsite and warehouse facilities of the Rath Packing Company at the above-named destination points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 35831 (Sub-No. 9), filed May 27, 1975. Applicant: E. A. HOLDER, INC., P.O. Box 69, Kennedale, Tex. 76060. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles* as defined in 61 M.C.C. 209, *Descriptions in Motor Carrier Certificates*, from the plantsite and facilities of Chaparral Steel Company, Inc., at or near Midlothian, Tex., to points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Tennessee; and (2) *scrap iron and scrap steel* (including automobile bodies), from points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Tennessee, to the plantsite and storage facilities of Chaparral Steel Company, Inc., at or near Midlothian, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 37398 (Sub-No. 4), filed May 16, 1975. Applicant: JOHN J. BOYCE TRANSPORTATION, INC., 116 South Elberon Avenue, Atlantic City, N.J. 08401. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Food products and fresh meats*, in vehicles equipped with mechanical refrigeration, from Philadelphia, Pa., points in the New York, N.Y., Commercial Zone as defined in *Commercial Zones and Terminal Areas*, 54 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of Section 203(b)(8) of the Interstate Commerce Act, and those in New Jersey, to points in North Carolina, South Carolina, Georgia, and Florida.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Atlantic City, N.J., or Washington, D.C.

No. MC 45059 (Sub-No. 13), filed May 21, 1975. Applicant: McNAUGHTON BROS., INC., 625 South 13th Street, Indiana, Pa. 15701. Applicant's representative: Michael Handler, Mack Building, 616 Philadelphia Street, Indiana, Pa. 15701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Merchandise, equipment, and supplies*, sold,

used, or distributed by a manufacturer of cosmetics, (1) from White Township (Indiana County), Pa., to points in Armstrong, Blair, Cambria, Clarion, Clearfield, Fayette, Huntington, Indiana, Jefferson, Somerset, and Westmoreland Counties, Pa.; and (2) from the above-named destination points to White Township (Indiana County), Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Indiana, Pittsburgh, or Philadelphia, Pa.

No. MC 53965 (Sub-No. 108), filed May 12, 1975. Applicant: GRAVES TRUCK LINE, INC., 2130 South Ohio, P.O. Box 1387, Salina, Kansas 67401. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Copper wire and cable*, from Holsington, Kans., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming; (2) *material, equipment, and supplies* used in the manufacture, and sale of copper wire and cable, from destinations named in (1) above, to Holsington, Kans.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 56679 (Sub-No. 80), filed May 16, 1975. Applicant: BROWN TRANSPORT CORP., P.O. Box 6985, Atlanta, Ga. 30315. Applicant's representative: B. K. McClain (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment because of size or weight), between Atlanta and Tennega, Ga., over U.S. Highway 41 to Cartersville, Ga., thence over U.S. Highway 411 to Tennega, Ga., and return over the same route, serving all intermediate points on U.S. Highway 411 between Cartersville and Tennega, Ga.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 59640 (Sub-No. 45), filed May 21, 1975. Applicant: PAULS TRUCKING CORPORATION, Three Commerce Drive, Cranford, N.J. 07016. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, catalogue showroom stores, and home center stores, and in connection therewith, equipment, materials, and supplies*, used in the conduct of such businesses (except commodities in bulk), (1) be-

tween Milford, Conn., on the one hand, and, on the other, points in Delaware, New York, New Jersey, Massachusetts, and Pennsylvania; and (2) between North Berwick, Maine, on the one hand, and, on the other, points in Connecticut, Delaware, New Jersey, New York, Massachusetts, and Pennsylvania, restricted to a transportation service to be performed, under a continuing contract or contracts with Supermarkets General Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 61231 (Sub-No. 83), filed May 22, 1975. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes transporting: (1) *Iron and steel articles*, from the plantsite and storage facilities of North Star Steel Company, at or near Wilton, Iowa, to points in Arizona, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming; and (2) *materials, equipment, and supplies*, used in the manufacture and distribution of iron and steel articles, from points in Arizona, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming to the plantsite and facilities of North Star Steel Company, at or near Wilton, Iowa, restricted to traffic originating at and destined to the above-named points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 61592 (Sub-No. 353), filed May 12, 1975. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, R.R. 3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. Devine, P.O. Box 737, 101 First Avenue, Moline, Ill. 61265. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Air conditioning, air filtration, refrigeration and humidifying equipment*, the transportation of which, because of size or weight, requires the use of special equipment or handling, from Winston-Salem, Rockingham, and Greensboro, N.C., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, Ohio, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Greensboro or Charlotte, N.C.

No. MC 61592 (Sub-No. 354), filed May 16, 1975. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, R.R. 3, Jeffersonville, Ind. 47130. Applicant's representative: E. S. Devine, P.O. Box 737,

Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors' equipment and supplies, heavy machinery, and building materials*, (1) between points in Washington and Oregon, on and east of the Cascade Mountains; and (2) between points in Washington and Oregon, east of the Cascade Mountains on the one hand, and, on the other, points in California, Idaho and Montana.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 69116 (Sub-No. 175), filed May 19, 1975. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission and commodities in bulk), between Holsington, Kans., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 69322 (Sub-No. 6), filed May 19, 1975. Applicant: DOBSON CARTAGE AND STORAGE COMPANY, a corporation, 1006 East Indiana Street, Bay City, Mich. 48706. Applicant's representative: James E. Dobson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, (1) between points in Marquette County, Mich., on the one hand, and, on the other, points in the Upper Peninsula of Michigan; and (2) between points in Marquette County, Mich., restricted to the transportation of shipments having a prior or subsequent movement in containers beyond the points authorized, and further restricted to the performance of pick up and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, or decontainerization of such shipments.

NOTE.—Applicant holds contract carrier authority in MC 127458 (Sub-No. 2), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Lansing, Mich. or Chicago, Ill.

No. MC 76629 (Sub-No. 8), filed May 19, 1975. Applicant: OVERLAND FREIGHT LINES, INC., P.O. Box 31136,

Indianapolis, Ind. 46231. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty metal beverage containers*, from AC Leasing Warehouse, located at Sharonville, Ohio and the plant-site of the National Can Corporation, located at Obetz, Ohio, to the G. Helleman Brewing Co. of Indiana, Inc. located at Evansville, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind.

No. 85374 (Sub-No. 9), filed May 12, 1975. Applicant: FERRO TRUCKING, INC., 134 Washington Avenue, Belleville, N.J. 07109. Applicant's representative: Morton E. Kiel, Suite 6193, World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food products, animal feeds, and materials used in the manufacture, sale, and distribution of such commodities* (except commodities in bulk, in tank vehicles), in vehicles equipped to provide protection from heat and cold, between Hillside, N.J., on the one hand, and, on the other, points in Rockland and Orange Counties, N.Y., under a continuing contract or contracts with Kraft Foods Division of Kraftco Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 94265 (Sub-No. 243), filed May 7, 1975. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Windsor, Va. 23487. Applicant's representative: Harry G. Buckwalter (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 768 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities of or utilized by Reelfoot Packing Co. located at or near Union City or Humbolt, Tenn.; and Valleydale Packers, Inc., located at or near Salem, Va., to points in Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Texas, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., Roanoke, Va., or Bristol, Tenn.

No. MC 94350 (Sub-No. 355), filed May 15, 1975. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Haywood Rd. at Transit Drive, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements;

and (2) *buildings*, in sections, mounted on wheeled undercarriages, from the plantsite of Fawn Homes, at or near Richfield Springs, N.Y., to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Utica, N.Y.

No. MC 95540 (Sub-No. 929), filed May 19, 1975. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30330. Applicant's representative: Jerome F. Marks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Florida, to points in the United States, (except Alaska, Florida, and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 97710 (Sub-No. 7), filed April 14, 1975. Applicant: PETERS TRUCK LINES, a corporation, 907 S. Main St., P.O. Box 218, Yreka, Calif. 96097. Applicant's representative: 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except used household goods and personal effects when not in packages or not completely wrapped, livestock, liquids, compressed gases, commodities in semi-plastic form, and commodities in suspension in liquids in bulk in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicles, articles of extraordinary value and commodities when transported in motor vehicles equipped for mechanical mixing in transit); (1) Between Eugene, Ore. and Stockton, Calif.: From Eugene over Interstate Highway 5 to Stockton, and return over the same route, serving all intermediate points; (2) Between Eugene, Ore. and Weed, Calif.: From Eugene over Oregon Highway 58 to junction U.S. Highway 97, thence over U.S. Highway 97 to Weed and return over the same route, serving all intermediate points; (3) Between Red Bluff, Calif. and Sacramento, Calif.: From Red Bluff over California Highway 99 to Sacramento, and return over the same route, serving all intermediate points; (4) Between Medford, Ore. and Newell, Calif.: From Medford over Oregon Highway 62 to junction Oregon Highway 140, thence over Oregon Highway 140 to junction Oregon Highway 39, thence over Oregon Highway 39 to junction California Highway 139, thence over California Highway 139 to Newell, and return over the same route, serving all intermediate points, and serving Ti-onesta, Calif. as an off-route point.

(5) Between San Francisco, Calif. and Auburn, Calif.: From San Francisco over Interstate Highway 80 to Auburn, and return over the same route, serving all intermediate points; (6) Between Oakland, Calif. and Stockton, Calif.: From Oakland over Interstate Highway 580 to junction Interstate Highway 5, thence over Interstate Highway 5 to Stockton, and return over the same route, serving all intermediate points; (7) Between the junction of Interstate Highway 580 and Interstate Highway 205 and the junction of Interstate Highway 5 and Interstate Highway 205: From the junction of Interstate Highway 580 and Interstate Highway 205 over Interstate Highway 205 to junction Interstate Highway 5, and return over the same route, serving all intermediate points; (8) Between Modesto, Calif. and Sacramento, Calif.: From Modesto, over U.S. Highway 99 to Sacramento, and return over the same route, serving all intermediate points; (9) Between the junction of California Highway 12 and Interstate Highway 80 near Fairfield, Calif. and the junction of California Highway 12 and U.S. Highway 99 near Lodi, Calif.: From the junction of California Highway 12 and Interstate Highway 80 over California Highway 12 to junction U.S. Highway 99, and return over the same route, serving all intermediate points; (10) Between the junction of California Highway 4 and Interstate Highway 80 near Benicia, Calif. and Stockton, Calif.: From the junction of California Highway 4 and Interstate Highway 80 over California Highway 4 to Stockton, and return over the same route, serving all intermediate points; (11) Between the junction of California Highway 3 and Interstate Highway 5 near Yreka, Calif. and Callahan, Calif.: From the junction of California Highway 3 and Interstate Highway 5 over California Highway 3 to Callahan, and return over the same route, serving all intermediate points.

(12) Between the junction of California Highway 161 and U.S. Highway 97 near the Oregon-California State Boundary line and the junction of California Highway 161 and California Highway 139 near Tulake, Calif.: From the junction of California Highway 161 and U.S. Highway 97 over California Highway 161 to junction California Highway 139, and return over the same route, serving all intermediate points; (13) Between San Francisco, Calif. and San Jose, Calif.: From San Francisco over U.S. Highway 101 to San Jose, and return over the same route, serving all intermediate points; (14) Between Los Gatos, Calif. and Berkeley, Calif.: From Los Gatos over California Highway 17 to Berkeley, and return over the same route, serving all intermediate points; (15) Between the junction of California Highway 96 and California Highway 263 and Happy Camp, Calif.: From the junction of California Highway 96 and California Highway 263 over California Highway 96 to Happy Camp, and return over the same route, serving all intermediate points; (16) Between Yreka,

Calif. and the junction of California Highway 263 and Interstate Highway 5 near Hornbrook, Calif.: From Yreka over California Highway 263 to junction Interstate Highway 5, and return over the same route, serving all intermediate points; (17) Between the junction of Interstate Highway 80 and Interstate Highway 505 near Vacaville, Calif. and the junction of Interstate Highway 505 and Interstate Highway 5 near Dunnigan, Calif.: From the junction of Interstate Highway 80 and Interstate Highway 505 over Interstate Highway 505 to junction Interstate Highway 5, and return over the same route, serving all intermediate points.

(18) Between the junction of Interstate Highway 5 and California Highway 120 near Lathrop, Calif., and Oakdale, Calif.: From the junction of Interstate Highway 5 and California Highway 120 over California Highway 120 to Oakdale, and return over the same route, serving all intermediate points; (19) Between Oakland, Calif. and Walnut Creek, Calif.: From Oakland over California Highway 24 to Walnut Creek, and return over the same route, serving all intermediate points; (20) Between Orland, Calif. and Chico, Calif.: From Orland over California Highway 32 to Chico, and return over the same route, serving all intermediate points; (21) Between Willows, Calif. and the junction of California Highway 162 and U.S. Highway 99: From Willows over California Highway 162 to junction U.S. Highway 99, and return over the same route, serving all intermediate points; (22) Between Yuba City, Calif. and Auburn, Calif.: From Yuba City over California Highway 65 to junction California Highway 193, thence over California Highway 193 to junction Interstate Highway 80, thence over Interstate Highway 80 to Auburn, and return over the same route, serving all intermediate points; (23) Between San Mateo, Calif. and Hayward, Calif.: From San Mateo over California Highway 92 to Hayward, and return over the same route, serving all intermediate points; (24) Between the junction of U.S. Highway 101 and California Highway 84 and the junction of California Highway 17 and California Highway 84: From the junction of U.S. Highway 101 and California Highway 84 over California Highway 84 to junction California Highway 17, and return over the same route, serving all intermediate points; (25) Between the junction of Interstate Highway 5 and California Highway 20 at or near Williams, Calif., and Yuba City, Calif.: From the junction of Interstate Highway 5 and California Highway 20 over California Highway 20 to Yuba City, and return over the same route, serving all intermediate points.

(26) serving the following off-route points in connection with (1) through (25) above: (a) points in Contra Costa, Solano, Alameda, Yolo, Sacramento, San Joaquin, Sutter, San Francisco, and Siskiyou Counties, Calif.; (b) points in Stanislaus County, Calif. located within 10 miles of California Highway 99 be-

tween Modesto, Calif. and the Stanislaus-San Joaquin County Boundary line; (c) points in Placer County, Calif. located on, west and south of California Highway 65; (d) points in Yuba County, Calif. located within 10 miles of California Highway 99; (e) points in Colusa County, Calif. located within 10 miles of Interstate Highway 5; (f) points in Glenn County, Calif. located within 10 miles of Interstate Highway 5; (g) points in Butte County, Calif. located within 10 miles of California Highway 99; (h) points in Tehama County, Calif. located within 10 miles of Interstate Highway 5, and points located within 10 miles of California Highway 99; (i) points in Shasta County, Calif. located within 10 miles of Interstate Highway 5; (j) points in San Mateo and Santa Clara Counties, Calif. located in an area described as follows: beginning at the San Francisco-San Mateo County Boundary line and extending southerly along Interstate Highway 280 to junction corporate limits of San Jose, Calif., thence southerly along the corporate limits of San Jose to junction California Highway 9, thence along California Highway 9 to junction California Highway 17 and unnumbered California Highway near Los Gatos, Calif., thence along said unnumbered California Highway to junction California Highway 82, thence southerly along California Highway 82 to junction U.S. Highway 101, thence northerly along U.S. Highway 101 to junction city limits of San Jose, Calif., thence northerly along the city limits of San Jose, and thence directly north to the Calaveras Reservoir where it intersects the Santa Clara-Alameda County Boundary line, thence east along the Santa Clara-Alameda County Boundary line to junction San Francisco-Alameda County Boundary line, thence westerly along the San Francisco County Boundary line to the point of beginning.

(k) Saratoga, Calif.; (l) in Napa County, Calif. south and east of a line beginning at the Napa County Boundary line and extending along California Highway 128 to junction California Highway 121, thence along California Highway 121 to junction Napa County Boundary line, including Napa, Calif.; (m) points in Marin County, Calif. east of a line beginning at the Marin County Boundary line and extending along California Highway 37 to junction U.S. Highway 101, thence along U.S. Highway 101 to Corte Madera, Calif.; (n) Malin, Oreg., and (o) points in Oregon south and west of a line beginning at the Oregon-California State Boundary line and extending along Oregon Highway 39 to junction Oregon Highway 140, thence westerly along Oregon Highway 140 to junction U.S. Highway 97, thence northerly along U.S. Highway 97 to junction Oregon Highway 58, thence northwest along Oregon Highway 58 to junction Interstate Highway 5, thence northerly along Interstate Highway 5 to junction Oregon Highway 99, and thence north and west along Oregon Highway 99 to junction Oregon Highway 36, thence westerly along Oregon Highway 36 to junction U.S. Highway 101, and thence

southerly along U.S. Highway 101 to the California-Oregon State Boundary line.

NOTE.—The purpose of this application is to convert applicant's Certificate of Registration held in MC 97710 to a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests it be held at Medford or Eugene, Oreg., or Sacramento, Calif.

No. MC 98501 (Sub-No. 4), filed May 6, 1975. Applicant: DAKOTA FILM & EXPRESS, INC., 1213 North Washington St., Grand Forks, N. Dak. 58201. Applicant's representative: E. J. Hanson, Box 1177, Grand Forks, N. Dak. 58201. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Motion picture film and small express package shipments* not to exceed 100 pounds per package, (1) Between Grand Forks, N. Dak., and Manvel, N. Dak.: From Grand Forks, N. Dak., over U.S. Highway 81 to Grafton, thence west on North Dakota Highway 17 to its intersection with North Dakota Highway 18, thence north to Cavalier, thence north on North Dakota Highway 18 to Neche, thence east on County Road to Pembina, thence south on Interstate Highway 29 to North Dakota Highway 44, thence south on North Dakota Highway 44 to Manvel, N. Dak., and return to Grand Forks on U.S. Highway 81, serving all intermediate points; (2) Between Grand Forks, N. Dak., and Forest River, N. Dak.: From Grand Forks over U.S. Highway 81 to Grafton, thence west on North Dakota Highway 17 to Edmore, thence north on North Dakota Highway 1 to Langdon, thence east on North Dakota Highway 5 to North Dakota Highway 32, thence north on North Dakota Highway 32 to Walhalla, thence south on North Dakota Highway 32 to County Road running directly east to Conway and Forest River, thence south on County Road from Forest River to U.S. Highway 2 and thence east on U.S. Highway 2, and return to Grand Forks, N. Dak., serving all intermediate points; (3) Between Grand Forks, N. Dak., and Larimore, N. Dak.: From Grand Forks, N. Dak., over U.S. Highway 2 to Lakota, thence over North Dakota Highway 1 to Pekin, thence over North Dakota Highway 15 to the junction of North Dakota Highway 32, thence over North Dakota Highway 32 to Finley, thence over North Dakota Highway 7 to Mayville, thence over North Dakota Highway 7 to junction of North Dakota Highway 18, thence over North Dakota Highway 18 to Larimore and return to Grand Forks over U.S. Highway 2 serving the intermediate points of Emerado, Arvilla, Niagara, Petersburg, Michigan, Mapes, Lakota, Pekin, McVie, Klotten, Aneta, Sharon, Finley, Portland, Mayville, Hatton, Northwood, and Larimore.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Grand Forks or Fargo, N. Dak.

No. MC 102520 (Sub-No. 5), filed May 15, 1975. Applicant: RIC'S TRANSPORT CO., INC., 1765 Sixth Avenue South, Seattle, Wash. 98134. Applicant's representative: James T. Johnson, 1610 IBM

Bldg., Seattle, Wash. 98101. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), (1) Between Bellingham, Wash. and Vancouver, Wash., serving all intermediate points and serving all points in Whatcom, Skagit, Snohomish, King, Pierce, Thurston, Lewis and Clark Counties as off route points restricted against traffic moving to or from points in British Columbia, Canada: From Bellingham, Wash. over Interstate Highway 5 to Vancouver, Wash., and return over the same route; (2) Between Olympia, Wash. and Hoquiam, Wash., serving all intermediate points and serving all points in Grays Harbor County as off route points: From Olympia, Wash. over U.S. Highway 101 to its junction with Washington State Highway 8 approximately 6 miles west of Olympia, thence over Washington State Highway 8 to its junction with U.S. Highway 12, thence over U.S. Highway 12 to Aberdeen, thence over U.S. Highway 101 to Hoquiam, Wash.; and (3) Between Montesano, Wash. and South Bend, Wash., serving all intermediate points and serving all points in Grays Harbor and Pacific Counties as off route points: From Montesano, Wash. over Washington State Highway 107 to its junction with U.S. Highway 101 approximately 7 miles southeast of Aberdeen, Wash., thence over U.S. Highway 101 to South Bend, Wash.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 102817 (Sub-No. 24), filed May 21, 1975. Applicant: PERKINS FURNITURE TRANSPORT, INC., P.O. Box 24335, Indianapolis, Ind. 46254. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Furniture stock, rough milled and/or rough sanded; furniture parts, panels, and squares, and materials, supplies, machinery and machinery parts* used to manufacture furniture, and *chips, sawdust, wood scrap, and pallets*, between the plant sites of Tell City Chair Company located at Tell City, Ind., and the plant site of Tell City Chair Company located at Leitchfield, Ky.; and (2) *chips, sawdust, and wood scrap*, from Tell City, Ind., to Hawesville, Ky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Indianapolis, Ind., or Washington, D.C.

No. MC 103993 (Sub-No. 855), filed May 12, 1975. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani and James B. Buda (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transport-

ing: *Portable traffic control devices, and component parts thereof*, from Taylor, Mich., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 106398 (Sub-No. 728), filed May 12, 1975. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial movements, from points in Herkimer County, N.Y., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 106400 (Sub-No. 105), filed May 21, 1975. Applicant: KAW TRANSPORT COMPANY, P.O. Box 12628, North Kansas City, Mo. 64116. Applicant's representative: Robert L. Hawkins, Jr., P.O. Box 456, Jefferson City, Mo. 65101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Roofing asphalt* in bulk in tank vehicles, from the plant site of Mid American Asphalt Co., located at Kansas City, Mo., to points in Iowa and Nebraska.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 106497 (Sub-No. 118), filed May 19, 1975. Applicant: PARKHILL TRUCK COMPANY, a corporation, P.O. Box 912 (Bus. Rte. 1-44 east), Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, aluminum articles, iron and steel tanks, aluminum tanks, and parts, attachments and accessories*, for iron and steel tanks and aluminum tanks, between points in Liberty County, Tex., on the one hand, and, on the other, points in Louisiana, Arkansas, Oklahoma, New Mexico, Kansas, Missouri and Mississippi.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Birmingham, Ala.

No. MC 106603 (Sub-No. 140), filed April 23, 1975. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Materials, equipment and supplies* used in the manufacture, packaging, marketing or distribution of salt, salt products and products used in the agricultural, water treatment, food proc-

essing, wholesale grocery and institutional supply industries, from points in Illinois, Indiana, Michigan, Ohio, Iowa, Missouri, Wisconsin, Kentucky, Pennsylvania, Connecticut, Delaware, Maryland, New Jersey, and New York, to the plants and warehouses of Morton Salt Company in Illinois, Kentucky, Michigan, New York, New Jersey, Ohio and Pennsylvania.

NOTE.—Applicant holds motor contract carrier authority in MC 46240 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Chicago, Ill.

No. MC 106644 (Sub-No. 211), filed May 16, 1975. Applicant: SUPERIOR TRUCKING COMPANY, INC., P.O. Box 916, Atlanta, Ga. 30301. Applicant's representative: W. Randall Tye, 1500 Candler Building, Atlanta, Ga. 30303. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fire clay and brick, palletized, in bags, boxes, or containers*, from the plantsite and warehouse facilities of North State Pyrophyllite Co., Inc., located at or near Greensboro, N.C., and Hillsboro, N.C., to points in South Carolina, Georgia, Florida, Alabama, Mississippi, California, West Virginia, Illinois, Indiana, Tennessee, Arkansas, Louisiana, Texas, Oklahoma, and Kentucky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga., or Washington, D.C.

No. MC 107839 (Sub-No. 162), filed May 12, 1975. Applicant: DENVER ALBUQUERQUE MOTOR TRANSPORT, INC., P.O. Box 16106, Denver, Colo. 80216. Applicant's representative: Edward T. Lyons, Jr., 1660 Lincoln Street, Suite 1600 Lincoln Center Building, Denver, Colo. 80203. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, between Laramie, Wyo., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests a consolidated record with Bray Lines, Incorporated in MC 112822 (Sub-No. 374).

No. MC 109397 (Sub-No. 313), filed May 20, 1975. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113 (Business Route 1-44 east), Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Storage systems, smokestacks, and parts of such commodities*, when moving therewith; and (2) *equipment, materials, and supplies*, used or useful in the installation of the above commodities, between the plant and other facilities of Brown-Minneapolis Tank and Fabricating Co., at St. Paul, Minn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 109891 (Sub-No. 26), filed May 19, 1975. Applicant: INFINGER TRANSPORTATION COMPANY, INC., 2811 Carner Avenue, P.O. Box 7398, Charleston Heights, S.C. 29405. Applicant's representative: Frank B. Hand, Jr., P.O. Box 187, Berryville, Va. 22611. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, (1) from points in South Carolina (except Georgetown, S.C.), to points in North Carolina and Georgia; (2) from points in North Carolina to points in South Carolina and Georgia; and (3) from points in Georgia, to points in South Carolina and North Carolina.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., or Atlanta, Ga.

No. MC 110988 (Sub-No. 323), filed May 16, 1975. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, Wis. 54956. Applicant's representative: Niel A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Blooming Prairie, Minn., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 111401 (Sub-No. 448), filed May 19, 1975. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Alvin J. Meiklejohn, Jr., 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Lake Charles, La., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New Orleans, La., or Houston, Tex.

No. MC 112520 (Sub-No. 307), filed May 16, 1975. Applicant: MCKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Naval stores and naval stores products*, in bulk, in tank vehicles, from Telogia, Fla., to points in New Jersey, New York, and Pennsylvania.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Tallahassee, Fla., Jacksonville, Fla., or Atlanta, Ga.

No. MC 112617 (Sub-No. 328), filed May 12, 1975. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Val-

ley Road, P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals and petroleum products*, in bulk, in tank vehicles, from points in New Jersey, Pennsylvania, Texas, and West Virginia, to the facilities of Polymers and Chemicals Division of W. R. Grace & Company, at Owensboro, Ky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Evansville, Ind.

No. MC 112893 (Sub-No. 51), filed May 23, 1975. Applicant: BULK TRANSPORT COMPANY, a corporation, P.O. Box 186, Bristol, Wis. 53158. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Building, 425 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum asphalt*, in bulk, in tank vehicles, from Linwood, Iowa, to points in Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 113388 (Sub-No. 109), filed May 19, 1975. Applicant: LESTER C. NEWTON TRUCKING CO., a corporation, P.O. Box 618, Seaford, Del. 19973. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses* as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from New York, N.Y., and points in New Jersey, to points in Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, Delaware, New Jersey, and the District of Columbia.

NOTE.—Common control may be involved. It is applicant's position that it is presently authorized to perform the operations requested herein. Applicant has therefore, concurrently filed a motion to dismiss the instant application. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 113555 (Sub-No. 6), filed May 19, 1975. Applicant: OSBORN & SON TRUCKING CO., INC., 208 West Johnson Street, Fond du Lac, Wis. 54935. Applicant's representative: Edward Solle, Executive Bldg., Suite 100, 4513 Vernon Blvd., Madison, Wis. 53705. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, and (2) *malt beverage dispensing equipment*, in mixed loads with malt beverages, from Detroit, Mich., to Fond du Lac, Wis., restricted to a transportation service to be

performed under a continuing contract or contracts with Winnebago Distributing Co., Inc.

NOTE.—Applicant holds common carrier authority in MC 22147, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 113753 (Sub-No. 4), filed May 20, 1975. Applicant: WEAVER BROS., INC., 1048 Whitney Road, Anchorage, Alaska 99501. Applicant's representative: Angelo Allard (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives*, including caps, between points in the United States (except Alaska and Hawaii), on the one hand, and, on the other, points in Alaska (except points located on the Alaska panhandle south of Haines, Alaska).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Anchorage or Fairbanks, Alaska.

No. MC 114211 (Sub-No. 246), filed May 14, 1975. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Daniel Sullivan, 327 South La Salle, Chicago, Ill. 60604. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Cast iron pipe, and fittings and accessories therefor*, from Lynchburg, Va., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies used or useful in the manufacture, distribution or installation of the commodities in (1) above (except commodities in bulk)*, from points in the United States (except Alaska and Hawaii), to Lynchburg, Va.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 114334 (Sub-No. 30), filed May 16, 1975. Applicant: BUILDERS TRANSPORTATION COMPANY, P.O. Box 16369, Memphis, Tenn. 38116. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Bldg., P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities (except commodities in bulk, household goods as defined by the Commission, classes A and B explosives)*, between the Yellow Creek Port Terminal and Industrial area located in Tishomingo County, Miss., on the one hand, and, on the other, points in Mississippi and Tennessee, and points in Alabama on and north of U.S. Highway 278 and west of Interstate Highway 65.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Memphis, Tenn., or Washington, D.C.

No. MC 114569 (Sub-No. 121), filed May 20, 1975. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Stanley C. Geist (same address as applicant).

Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail, wholesale and chain grocery food business houses (except commodities in bulk, and frozen foods)*, from the facilities of Musselman Fruit Products Division of Pet, Inc., at Biglerville and Gardeners, Pa., and Inwood, W. Va., to points in Arizona, Arkansas, Colorado, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 114896 (Sub-No. 29), filed May 21, 1975. Applicant: PUROLATOR SECURITY, INC., 1341 W. Mockingbird Lane, Suite 1001E, Dallas, Tex. 75247. Applicant's representative: William E. Fullingim (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Bullion*, from San Francisco, Calif., to New York, N.Y., under contract with General Services Administration.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115331 (Sub-No. 394), filed May 23, 1975. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Such commodities as are dealt in by lawn and garden care centers, and materials and equipment and supplies used in the conduct of such business (except commodities in bulk)*; and (2) *commodities, the transportation of which is exempt from economic regulation under section 203 (b) (6) of the Interstate Commerce Act*, when transported in mixed loads with the commodities in (1) above, from points in Union County, Ohio, to points in Ohio, Michigan, Kentucky, Indiana, Illinois, Iowa, Missouri, Wisconsin, Minnesota, Tennessee, Arkansas, Oklahoma, Texas, Colorado, New Mexico, Montana, Wyoming, Idaho, Utah, Arizona, Washington, Oregon, California, Nevada, North Dakota, and South Dakota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio, or Washington, D.C.

No. MC 115496 (Sub-No. 35), filed May 9, 1975. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, Ga. Applicant's representative: Virgil H. Smith, 1587 Phoenix Blvd., Suite 12, Atlanta, Ga. 30349. Authority

sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Waste paper in machine compressed bales or containers*, from points in Alabama, Florida, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, to points in Georgia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, or Columbus, Ga.

No. MC 115654 (Sub-No. 37), filed May 1, 1975. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 1193, Candy Lane, Nashville, Tenn. 37202. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Confectionery and confectionery products (except in bulk)* in vehicles equipped with mechanical refrigeration, between Nashville, Tenn., and Birmingham, Ala., on the one hand, and, on the other, points in that part of Alabama on and north of U.S. Highway 80.

NOTE.—Applicant states that it intends to tack the requested authority with its existing irregular route authority in its Sub. No. 19 at Nashville, Tenn., to provide service from points in that part of Alabama on and north of U.S. Highway 80 to Cincinnati, Ohio, and points in Tennessee and Kentucky. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 115667 (Sub-No. 12), filed May 19, 1975. Applicant: ARROW TRANSFER CO., LTD., a corporation, 320 Seymour Blvd., North Vancouver, British Columbia, Canada V7J 2J3. Applicant's representative: Clyde H. MacIver, 1900 Peoples National Bank Bldg., 1415 Fifth Avenue, Seattle, Wash. 98171. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles as described in Appendix V to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, between ports of entry on the International Boundary line, between the United States and Canada at or near Blaine, Lynden and Sumas, Wash., on the one hand, and, on the other, points in Washington, Oregon, and California, restricted to traffic having an immediately prior or subsequent movement in foreign commerce and originating at or destined to Vancouver, British Columbia, and Canadian territory within 50 miles thereof.*

NOTE.—Applicant holds the necessary Canadian authority to transport iron and steel articles in foreign commerce between the designated United States-Canadian border points and Vancouver, British Columbia and the territory within 50 miles thereof. If a hearing is deemed necessary, applicant requests it be held at either Seattle or Olympia, Wash.

No. MC 115667 (Sub-No. 13), filed May 19, 1975. Applicant: ARROW TRANSFER CO., LTD., a corporation, 320 Seymour Blvd., North Vancouver, British Columbia, Canada V7J 2J3. Applicant's representative: Clyde H. MacIver, 1900

Peoples National Bank Bldg., 1415 Fifth Avenue, Seattle, Wash. 98171. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* as described in Appendix VI to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, between ports of entry on the International Boundary line between the United States and Canada at or near Blaine, Lynden, or Sumas, Wash., on the one hand, and, on the other, points in Washington, Oregon, and California, restricted to traffic having an immediately prior or subsequent movement in foreign commerce and originating at or destined to Vancouver, British Columbia, and Canadian territory within 50 miles thereof.

NOTE.—Applicant holds the necessary Canadian authority to transport building materials in foreign commerce between the designated United States-Canadian border points and Vancouver, British Columbia, and the territory within 50 miles thereof. If a hearing is deemed necessary, the applicant requests it be held at Seattle or Olympia, Wash.

No. MC 116763 (Sub-No. 315), filed May 19, 1975. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs* (except in bulk, in tank vehicles), from the facilities of Buitoni Foods Corporation located at or near S. Hackensack, N.J., to points in Harrisburg, Pa.; points in Pennsylvania on and west of U.S. Highway 15; points in New York on and west of I-81; and points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Mexico, North Carolina, Ohio, Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 116763 (Sub-No. 316), filed May 19, 1975. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the shipping facilities of Heinz U.S.A., Division of H. J. Heinz Company located at Henderson, N.C., to the facilities of Heinz U.S.A. Division of H. J. Heinz Company located at Arlington, Tex., Bridgeview, Ill.; Iowa City and Muscatine, Iowa and Jacksonville, Fla., restricted to traffic originating at and destined to the above origin and destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Harrisburg, Pa.

No. MC 116763 (Sub-No. 317), filed May 19, 1975. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hair care accessories*, from the facilities of Tip-Top, Division Faberge, Inc., located at Omaha, Nebr., to Atlanta, Ga., restricted to traffic originating at the named origin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 117119 (Sub-No. 540), filed May 14, 1975. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail discount stores*, from the New York, N.Y., Commercial Zone, as defined by the Commission, to the warehouse facilities of Howard Bros. Discount Stores, Inc., at Monroe, La.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or New Orleans, La.

No. MC 117589 (Sub-No. 28), filed May 12, 1975. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 3801 Seventh Avenue South, Seattle, Wash. 98108. Applicant's representative: James T. Johnson, 1610 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Ellensburg, and Seattle, Wash., to points in Massachusetts, New York, Pennsylvania, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Seattle, Wash., or Portland, Oreg.

No. MC 117823 (Sub-No. 47), filed May 23, 1975. Applicant: DUNKLEY REFRIGERATED TRANSPORT, INC., 1915 South 900 West, Salt Lake City, Utah 84104. Applicant's representative: Lon Rodney Kump, 200 Law Building, 333 East Fourth South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products dealt in by wholesale and retail grocers* (except foodstuffs and frozen foods as presently authorized), from the facilities of Hunt-Wesson Foods, Inc., located at or near Fullerton, Hayward, Davis, and Oakdale, Calif., to points in Utah.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, Calif., or Salt Lake City, Utah.

No. MC 118142 (Sub-No. 89), filed May 19, 1975. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, WICHITA, Kans. 67219. Applicant's representative: Jack H. Blanshan, 29 S. LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Toilet preparations, household and industrial cleaning products, brooms, brushes, mops and promotional materials*; and (2) *equipment, materials and supplies*, used or useful in the manufacture, sale and distribution of the commodities in (1) above, between Great Bend, Kans., on the one hand, and, on the other, points in the United States (except Alaska, Hawaii, and Kansas), restricted to the transportation of traffic either originating at, or destined to the facilities of Fuller Brush Company, located at Great Bend, Kans.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119631 (Sub-No. 22), filed May 16, 1975. Applicant: DEIOMA TRUCKING COMPANY, P.O. Box 915, Alliance, Ohio 44601. Applicant's representative: James E. Wilson, 1032 Pennsylvania Bldg., 425 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products and refractories*, from points within 40 miles of Canton, Ohio, to points in Illinois and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant request it be held at Columbus, Ohio.

No. MC 119710 (Sub-No. 24), filed May 12, 1975. Applicant: SHUPE BROS. CO., a corporation, P.O. Box 929, Greeley, Colo. 80631. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, from points in Lubbock County, Tex., to Sterling, Colo., restricted to service performed under a continuing contract with W. R. Grace & Co., at New York, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 119741 (Sub-No. 52) (Correction), filed March 13, 1975, published in the FEDERAL REGISTER issue of April 10, 1975, and republished as corrected, this issue. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., P.O. Box 1235, 3225 5th Avenue South, Fort Dodge, Iowa 50501. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Mo-*

tor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Denison and LeMars, Iowa, to points in Illinois, Kansas, Indiana, Michigan, Minnesota, Wisconsin, Ohio, Nebraska, Missouri, and Louisville and Covington, Ky.

NOTE.—The purpose of this republication is to add the destination point of Missouri erroneously omitted in the previous notice. If a hearing is deemed necessary, applicant requests it be held at either Omaha, Nebr., or St. Paul, Minn.

No. MC 119789 (Sub-No. 254), filed May 19, 1975. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Milk or cream substitute, dry (other than frozen)*, from Chester, S.C., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio, or Dallas, Tex.

No. MC 119789 (Sub-No. 257), filed May 23, 1975. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Drugs, medicines and chemicals*, from Elkhart, Ind., to points in Georgia and Florida.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Elkhart, Ind., or Dallas, Tex.

No. MC 121281 (Sub-No. 11), filed May 23, 1975. Applicant: BIG MAC TRUCKING CO., a Corporation, 1335 Boyles, P.O. Box 15069, Houston, Tex. 77020. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles* as defined in Appendix 5 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and storage facilities of Georgetown Texas Steel Corporation located at or near Beaumont, Tex., to points in Alabama, Arkansas, Florida, Louisiana, and Tennessee; and (2) *scrap metals*, including crushed car bodies, from points in Alabama, Arkansas, Florida, Louisiana and Tennessee, to points in Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Houston, or Dallas, Tex.

No. MC 123048 (Sub-No. 325), filed May 19, 1975. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Racine, Wis. 53406. Applicant's representative: Paul C. Gartzke,

121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Tents and tent pavilions*, and (2) *materials, equipment, and supplies* to be used in conjunction therewith, between points in the United States (except Alaska and Hawaii), restricted to the transportation of traffic originating at and destined to facilities utilized by HDO Productions, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 123314 (Sub-No. 20), filed May 21, 1975. Applicant: JOHN F. WALTER, INC., P.O. Box 175, Newville, Pa. 17241. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the shipping facilities of Heinz U.S.A., Division of H. J. Heinz Company, at Henderson, N.C., to the facilities of Heinz U.S.A., Division of H. J. Heinz Company at Toledo and Fremont, Ohio, and Pittsburgh and Mechanicsburg, Pa., restricted to traffic originating at the above named origin and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 123407 (Sub-No. 239), filed May 16, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Glass, glass glazing units, and automobile glass*, from Elk Grove Village, Ill., and Selma, Ala., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 124236 (Sub-No. 76), filed May 21, 1975. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 1200 Simmons Bldg., Dallas, Tex. 75201. Applicant's representative: Leroy Williams, 4555 First National Bank Bldg., Dallas, Tex. 75202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cement in bags*, from Dallas, Tex., to Houston, and Laredo, Tex., restricted to traffic having an immediately subsequent movement in foreign commerce.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 124328 (Sub-No. 83), filed May 19, 1975. Applicant: BRINK'S INCORPORATED, 234 East 24th St., Chicago, Ill. 60616. Applicant's representative: Chandler L. van Orman, 704 Southern Bldg., Washington, D.C. 20005.

Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Precious metals and precious metal items including corrosives and toxics*, between Freeport, N.Y.; Chicago, Ill.; Los Angeles, Calif., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract with Lea-Ronal, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 123405 (Sub-No. 41), filed May 21, 1975. Applicant: FOOD TRANSPORT, INC., R.D. No. 1, Thomasville, Pa. 17364. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the shipping facilities of Heinz U.S.A., Division of H. J. Heinz Company, at Henderson, N.C., to the facilities of Heinz U.S.A., Division of H. J. Heinz Company, at Arlington, Tex.; Harrison, N.J.; Pittsburgh, and Mechanicsburg, Pa., and Jacksonville, Fla., restricted to traffic originating at and destined to the above origin and destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 124328 (Sub-No. 82), filed May 20, 1975. Applicant: BRINK'S INCORPORATED, 234 East 24th Street, Chicago, Ill. 60616. Applicant's representative: Chandler L. van Orman, 704 Southern Bldg., Washington, D.C. 20005. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Precious metals (coins, medallions, bullion), coin collections, rare coins, philatelic collections, articles of extraordinary value*, between Englewood, Ohio, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract with Paramount International Coin Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 125254 (Sub-No. 34), filed May 23, 1975. Applicant: MORGAN TRUCKING CO., a Corporation, 1201 East 5th Street, P.O. Box 714, Muscatine, Iowa 52761. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plantsite and storage facilities of North Star Steel Company, at or near Wilson, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota; and (2) *materials, equipment and supplies* used in the manufacture and distribution of iron and steel articles, from points in the states named in part (1) above, to the

plantsite and storage facilities of North Star Steel Company, located at or near Wilton, Iowa, restricted to traffic originating at and destined to the above named points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 125628 (Sub-No. 4), filed May 19, 1975. Applicant: S. S. BAIRD & SONS, LIMITED, 1000 Hanwell Road, Fredericton, New Brunswick, Canada. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, Mass. 02043. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Contractors' construction, lumbering and farm equipment, machinery and supplies*, requiring special equipment for the transportation thereof, from points in Wisconsin, Minnesota, Ohio, Illinois, Iowa, Pennsylvania, Michigan, and Indiana, to ports of entry on the International Boundary line between the United States and Canada located in Minnesota, Ohio, New York, Houlton, and Calais, Maine, restricted to traffic destined to points in the Provinces of New Brunswick, Nova Scotia, Prince Edward Island, and Newfoundland, Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Augusta or Portland, Maine.

No. MC 126109 (Sub-No. 4), filed May 23, 1975. Applicant: TRECHO TRANSPORT, INC., 2756 Short Street, York, N.Y. 14592. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14850. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Dairy products and agricultural commodities* exempt from regulation under Section 203(b) of the Act when moving in mixed shipments with dairy products, from Friendship, N.Y., to New York, N.Y., and points in New Jersey, and Miami, Fla.; (2) *paper articles* as described in 61 M.C.C. 290, 291 Appendix XI (boxes, cartons, egg cases, and trays), from New York, N.Y., and points in New Jersey to Friendship, N.Y.; and (3) *prefabricated homes, parts and or components thereof, and articles used in erection thereof*, from Wheatland, N.Y., to points in Pennsylvania on and west of U.S. Route 15.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Buffalo, N.Y., or Rochester, N.Y.

No. MC 127042 (Sub-No. 154) (Amendment), filed February 14, 1975, published in the FEDERAL REGISTER issues of March 20, 1975, and April 17, 1975 and republished as amended this issue. Applicant: HAGEN, INC., 3232 Highway 75 North, P.O. Box 98-Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Edward A. O'Donnell (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Toilet preparations, shampoo, cleaning,*

buffing and polishing compounds, shaving cream, and printed matter, and (2) *foodstuffs* moving in mixed shipments with articles named in (1) above (except commodities in bulk), from the warehouse facilities utilized by Alberto-Culver Co. at or near Sparks, Nev., to Los Angeles, Calif.; and (3) *toilet preparations, shampoo, cleaning, buffing and polishing compounds, shaving cream, and printed matter*, from the warehouse facility utilized by Shulton, Inc., at or near Sparks, Nev., to points in Arizona, California, Idaho, Oregon, and Washington.

NOTE.—The purpose of this republication is to delete the restriction to the proposed service in conformity with the general guidelines detailed by the Commission in *Fox-Smythe Transportation Co. Extension—Oklahoma*, 106 M.C.C. 1. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127539 (Sub-No. 43), filed May 14, 1975. Applicant: PARKER REFRIGERATED SERVICE, INC., 1108 54th Avenue East, Tacoma, Wash. 98424. Applicant's representative: Daniel W. Baker, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs*, in vehicles equipped with mechanical refrigeration, (a) from points in Washington, to points in Oregon, California, Arizona, and Nevada; (b) from points in Oregon, to points in California, Arizona, and Nevada; and (c) from Lewiston, Idaho, to points in California.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 127902 (Sub-No. 7), filed May 16, 1975. Applicant: DIETZ MOTOR LINES, INC., P.O. Box 1427, Hickory, N.C. 28601. Applicant's representative: Charles Ephraim and Theodore Polydoroff, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *New furniture and furniture parts*, from Lincoln, N.C., to points in Alabama, Arkansas, Louisiana, and Mississippi; and (2) *returned shipments* of new furniture and parts, from the above-described destination points, to the above-described origin points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Charlotte, N.C.

No. MC 128021 (Sub-No. 18), filed May 19, 1975. Applicant: DIVERSIFIED PRODUCTS TRUCKING CORPORATION, P.O. Box 100, Opelika, Ala. 36801. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Plant bed and potting media*, in packages (except in bulk), from Sacramento, Calif., to points in the United States (except Alaska and Hawaii), under a continuing contract with The Kingsford Company, Division of Clorox Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either San Francisco, Calif., or Washington, D.C.

No. MC 128273 (Sub-No. 189), filed May 12, 1975. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 1403 South Horton Street, Fort Scott, Kans. 66701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies*, used in production and distribution of paper and paper products (except commodities in bulk), from points in Arkansas, to Cloquet and Brainerd, Minn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 128425 (Sub-No. 2), filed May 21, 1975. Applicant: R.E.R. TRUCKING CO., INC., P.O. Box 1754, South Hackensack, N.J. Applicant's representative: Ronald I. Shapes, 450 Seventh Avenue, New York, N.Y. 10001. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Foam, foam products, and scrap foam*, from Moonachie and Edison, N.J., to points in New York, New Jersey, Pennsylvania, Connecticut, Massachusetts, Rhode Island, Maine, Vermont, New Hampshire, Maryland, Delaware, Ohio, Virginia, West Virginia, Michigan, South Carolina, North Carolina, Illinois, and Indiana; and (2) *vinyl, paper, pallets, chemicals, adhesives, and machinery*, used in the manufacture and distribution of foam and foam products, from points in New York, New Jersey, Pennsylvania, Connecticut, Massachusetts, Rhode Island, Maine, Vermont, New Hampshire, Maryland, Delaware, Ohio, Virginia, West Virginia, Michigan, South Carolina, North Carolina, Illinois, and Indiana, to Moonachie and Edison, N.J., restricted to a transportation service to be performed under a continuing contract or contracts with Crest Foam Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 128527 (Sub-No. 54), filed April 14, 1975. Applicant: MAY TRUCKING COMPANY, a Corporation, P.O. Box 398, Payette, Idaho 83661. Applicant's representative: C. Marvin May (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, and commodities requiring special equipment), between Portland, Oreg., on the one hand, and, on the other, points in Ada, Canyon, Payette, Gem, and Washington Counties, Idaho, restricted to traffic for the account of Van Waters & Rogers, Portland, Oreg.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 133095 (Sub-No. 81), filed May 22, 1975. Applicant: TEXAS-CONTI-

NENTAL EXPRESS, INC., P.O. Box 434, Eulless, Tex. 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, from Roswell, N. Mex., and Amarillo, Tex., to points in Illinois, Indiana, Ohio, Michigan, Kentucky, and Tennessee.

NOTE.—Applicant holds motor contract carrier authority in MC 136032 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 133095 (Sub-No. 82), filed May 22, 1975. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Eulless, Tex. 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, from Roswell, N. Mex., and Amarillo, Tex., to points in Alabama, Georgia, Florida, North Carolina and South Carolina.

NOTE.—Applicant holds motor contract carrier authority under MC 136032 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 133119 (Sub-No. 68), filed May 9, 1975. Applicant: HEYL TRUCK LINES INC., 235 Mill Street, Akron, Iowa 51001. Applicant's representative: A. J. Swanson, 521 S. 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from the plant-site and facilities of Johnson Biscuit Company, Division of Interbake Foods Inc., located in Union County, S. Dak., to points in the United States (except Alaska, Hawaii, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 133922 (Sub-No. 11), filed May 22, 1975. Applicant: WILLIAM H. NAGEL, doing business as JENKINS AND NAGEL TRUCKING CO., P.O. Box 98, Wolcott, Ind. 47995. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cereal and dairy products*, between Chicago Heights and Decatur, Ill., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to a contract or continuing contracts with Dry Milk Products, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 134121 (Sub-No. 4), filed May 21, 1975. Applicant: ROBERT FRANK

DEASON, doing business as DEASON GRAIN CO., P.O. Box 368, Lewisburg, Tenn. 37091. Applicant's representative: Roland M. Lowell, 618 Hamilton Bank Building, Nashville, Tenn. 37219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese*, from Lewisburg, Tenn., to Van Wert, Ohio; and (2) *empty containers*, on return, under a continuing contract or contracts with Marshall County Creamery, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 134538 (Sub-No. 4) (amendment), filed March 24, 1975, published in the FEDERAL REGISTER issue of April 24, 1975, and republished as amended this issue. Applicant: JOHN L. CLARK, R.F.D. No. 3, Montpelier, Ohio 43543. Applicant's representative: Michael Marshall Briley, 1200 Edison Plaza, 300 Madison Avenue, Toledo, Ohio 43604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, contained in piggy-back trailers loaded or empty, having an immediately prior or subsequent movement by rail, (1) between Montpelier, Ohio, on the one hand, and, on the other, points in Wood, Lucas, Erie, Ottawa, Henry, Sandusky, Paulding, and Van Wert Counties, Ohio; (2) between Montpelier, Ohio, on the one hand, and, on the other, points in LaGrange, Steuben, Noble, De Kalb, Allen, and Whitley Counties, Ind., and (3) between Montpelier, Ohio, on the one hand, and, on the other, points in Berrien, Cass, St. Joseph, Branch, Hillsdale, Lenawee, Monroe, Washtenaw, Jackson, Calhoun, Kalamazoo, Van Buren, Allegan, Barry, Eaton, Ingham, Livingston, Genesee, Shiawassee, Clinton, Ionia, Kent, Ottawa, and Muskegon Counties, Mich.

NOTE.—The purpose of this republication is to include seven additional counties in part (3) of application. If a hearing is deemed necessary, the applicant requests it be held at Toledo, Ohio, or Washington, D.C.

No. MC 134599 (Sub-No. 124), filed May 21, 1975. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Games, toys, and plastic articles, and materials, parts, and supplies*, used in the manufacture thereof (except commodities in bulk or which because of size or weight require special handling or special equipment), between Bound Brook, N.J., on the one hand, and, on the other, points in Kansas, Oklahoma, Texas, California, Oregon, and Washington, under a continuing contract with Mattel, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Salt Lake City, Utah.

No. MC 134599 (Sub-No. 125), filed May 22, 1975. Applicant: INTERSTATE

CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* (except commodities in bulk or which because of size or weight require handling or special equipment), from Indianapolis, Ind., to points in Colorado, Utah, Washington, Oregon, New Mexico, Arizona, and California, under a continuing contract with Scott Paper Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Salt Lake City, Utah.

No. MC 134779 (Sub-No. 8), filed May 23, 1975. Applicant: JANESVILLE AUTO TRANSPORT COMPANY, a corporation, 1263 South Cherry St., P.O. Box 959, Janesville, Wisc. 53545. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles, trucks, chassis and parts thereof*, when transported with vehicles, of which they are a part, in truckaway service, in secondary movements, from Clay County, Minn., to points in Minnesota, North Dakota, and South Dakota, restricted to traffic having had a prior movement by rail or motor carrier.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Detroit, Mich. or Washington, D.C.

No. MC 134922 (Sub-No. 128), filed May 12, 1975. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don Garrison (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Chairs and bookcases*, from Sturgis, Mich., to points in Florida, Louisiana, Texas, New Mexico, Arizona, California, Oregon, and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Little Rock, Ark.

No. MC 134922 (Sub-No. 129), filed May 15, 1975. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don Garrison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe insulation and pipe covering* (except commodities which because of size or weight require the use of special equipment), from Tempe, Ariz., to points in Arkansas, Missouri, Louisiana, Illinois, Wisconsin, Michigan, Ohio, Kentucky, Indiana, Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Massachusetts, Vermont, New Hampshire, Rhode Island, and Maine.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz. or Little Rock, Ark.

No. MC 134922 (Sub-No. 130), filed May 19, 1975. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don Garrison (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic or rubber articles, wire baskets, hand tools, racks, sleds, tumblers, cutters and skis*, from Wooster, Ohio, to points in Texas, Colorado, New Mexico, Arizona, Utah, Idaho, Washington, Oregon, Nevada and California, restricted against commodities in bulk and those which because of size or weight require the use of special equipment, and further restricted to traffic originating at the plantsite of Rubbermaid, Inc., located at or near Wooster, Ohio, and destined to points in the above-named destination states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Akron, Ohio or Little Rock, Ark.

No. MC 135245 (Sub-No. 4), filed May 16, 1975. Applicant: BURGER'S EXPRESS, INC., doing business as BOULDER VALLEY TRANSFER, INC., P.O. Box 1365, Boulder, Colo. 80302. Applicant's representative: Ross F. Robbins (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Cosmetics, toilet preparations, and toilet articles*; and (2) *equipment and supplies used in connection with commodities described in (1) above, from points in Boulder County, Colo., to points in Colorado, restricted to the transportation of shipments having an immediately prior movement in Interstate commerce, under a continuing contract or contracts with Avon Products, Inc.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, or Boulder, Colo.

No. MC 135486 (Sub-No. 11), filed May 19, 1975. Applicant: JACK HODGE TRANSPORT, INC., 2410 West 9th Street, Marion, Ind. 46952. Applicant's representative: Terrace D. Jones, 1126 16th Street NW., Room 300, Washington, D.C. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and equipment, materials and supplies used in the conduct of such business, from the facilities of Arrow Industries, Inc., located at or near Dallas, Tex., to Cincinnati, Cleveland, Columbus and Dayton, Ohio; Detroit, Mich.; St. Louis, Mo.; Ft. Wayne and Indianapolis, Ind.; Louisville, Ky.; Memphis and Nashville, Tenn.; and Little Rock, Ark., under a continuing contract or contracts with Arrow Industries, Inc.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 135530 (Sub-No. 4), filed May 12, 1975. Applicant: LAKE CENTER INDUSTRIES TRANSPORTATION, INC., 111 Market Street, Winona, Minn. 55987. Applicant's representative: Charles E. Nieman, 1110 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Electrical and electronic supplies, equipment, fittings and accessories, metals and metal parts, wire and wire products (except commodities in bulk, in tank vehicles)*, (1) *Between the plant site of Lake Center Industries in Chippewa Falls, Wisc., on the one hand, and, on the other, Rochester, Minn.; and (2) Between the distribution center of Lake Center Industries in Rochester, Minn., on the one hand, and, on the other, Chicago, Ill., under a continuing contract or contracts with Lake Center Industries.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, St. Paul or Winona, Minn.

No. MC 135732 (Sub-No. 12) (Amendment), filed February 25, 1975 published in the FEDERAL REGISTER issue of May 22, 1975, and republished, as amended, this issue. Applicant: AUBREY FREIGHT LINES, INC., 651 Grove Street, Elizabeth, N.J. 07208. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such commodities as are manufactured, sold, distributed or used in the manufacture and the same of household appliances, household products, lighters, lighter accessories, petroleum products and raw materials for the account of Ronson Corporation, its subsidiaries or its divisions (except commodities in bulk) between the facilities of Ronson Corporation, its subsidiaries or its divisions, at or near Newark, Woodbridge, N.J., Oglethorpe, Del., East Stroudsburg, Pa., and Duarte, Calif., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).*

NOTE.—The purpose of this republication is to indicate that applicant seeks authority to the terminal point of Duarte, Calif. in lieu of Duarte, Calif. Applicant holds contract carrier authority in MC 110884 and Sub-No. 13, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 136318 (Sub-No. 33), filed May 19, 1975. Applicant: COYOTE TRUCK LINE, INC., P.O. Box 756, Thomasville, N.C. 27360. Applicant's representative: David R. Parker, P.O. Box 82028, Lincoln, Neb. 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Television sets, radios, phonographs, stereo systems, recorders, players, recorded material, television stands, speaker systems, and audio equipment*; (2) *accessories, components and parts for the commodities set forth in (1) and (3) materials, supplies and equipment used in the manufacture, production, and distribution of*

the commodities set forth in (1) and (2), between El Paso, Tex., on the one hand, and, on the other, points in Indiana, restricted to traffic to originate at or be destined to the plantsites and facilities of RCA and further restricted to transportation of traffic under a continuing contract or contracts with RCA and its affiliates.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind. or Washington, D.C.

No. MC 136390 (Sub-No. 3), filed May 9, 1975. Applicant: JOHN B. RUSLING, Box 225, Stephen, Minn. 56757. Applicant's representative: Arthur A. Drenckhahn, 423 N. Main Street, P.O. Box 159, Warren, Minn. 56762. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia (compressed gas)*, (1) *from Garner, Iowa, to the Stephen, Minn. Commercial Zone; (2) from Grand Forks, N. Dak., to the Stephen, Minn. Commercial Zone; and (3) from the port of entry on the International Boundary line between the United States and Canada located at or near Noyes, Minn. on traffic originating at Brandon, Manitoba, Canada, to the Stephen, Minn. Commercial Zone, under a continuing contract or contracts with Far North Ammonia and Chemical Co.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Fargo, N. Dak.

No. MC 136512 (Sub-No. 7), filed May 16, 1975. Applicant: SPACE CARRIERS, INC., 444 Lafayette Road, St. Paul, Minn. 55101. Applicant's representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, Minn. 55102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment because of size or weight), between Cordova Siding (near Cordova), Ill., Ames and Knoxville, Iowa, Alexandria, Chemolite, Fairmont, Hutchinson, Lindstrom, Mankato, New Ulm, Minneapolis and Pine City, Minn., Cumberland and Prairie du Chien, Wis., Nevada, Springfield, and Columbia, Mo., Weatherford, Okla., Brownwood, Tex., Wahpeton, N. Dak., Brookings, Mitchell and Aberdeen, S. Dak., and Norfolk, Nebr., restricted to the transportation of traffic moving between the plant sites and storage facilities of Minnesota Mining and Manufacturing Company and further restricted against the transportation of traffic between Cumberland, Wis., on the one hand, and, on the other, Chemolite (Minnesota Mining and Manufacturing Company plant site located at Cottage Grove, Minn.), and points in the Minneapolis-St. Paul, Minnesota Commercial Zone as defined by the Interstate Commerce Commission.*

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 138000 (Sub-No. 19) (Correction), filed April 24, 1975, published in the FEDERAL REGISTER issue of May 29, 1975, and republished as corrected this issue. Applicant: ARTHUR H. FULTON, P.O. Box 86, Stephens City, Va. 22655. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, (a) from Detroit, Mich., to points in Virginia; and (b) from Pittsburgh, Pa., to points in Virginia and Morgan, Berkeley, Jefferson, Hampshire, Hardy, Pendleton, and Grant Counties, W. Va.; and (2) *wooden chocks, blocks, or cradles*, from points in Clark County, Va., to Kearny, N.J., and Baltimore, Md.

NOTE.—The purpose of this republication is to correct the destination point in (b) which stated the counties were located in Virginia. Applicant holds contract carrier authority in MC 129613 Sub-No. 2 and others, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 138336 (Sub-No. 5), filed May 21, 1975. Applicant: CROSSLIN-GRADER CORPORATION, 1022 Sixth Avenue North, Nashville, Tenn. 37208. Applicant's representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Dry cleaning and laundry equipment, materials, and supplies* (except commodities in bulk, and those which by reason of their size or weight require the use of special equipment); and (2) *parts*, for the commodities in (1) above (except commodities which by reason of their size or weight require the use of special equipment), from Louisville, Ky., and Cincinnati, Ohio, to points in Arizona, California, Florida, Georgia, Nevada, New Mexico, Oregon, Texas, Utah, and Washington, restricted to a transportation service to be performed, under a continuing contract, or contracts, with W. M. Cissell Manufacturing Co., of Louisville, Ky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 138991 (Sub-No. 9), filed May 23, 1975. Applicant: K. J. TRANSPORTATION, INC., P.O. Box 9764, Rochester, N.Y. 14623. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Newport, Ky., to Rochester, N.Y.; and (2) *empty containers and pallets* on return, under a continuing contract or contracts with Lake Beverage Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Buffalo, N.Y., or Rochester, N.Y.

No. MC 139193 (Sub-No. 26) (Correction), filed April 28, 1975, published in

the FEDERAL REGISTER issue of May 29, 1975, and republished as corrected this issue. Applicant: ROBERTS & OAKE, INC., 208 South La Salle Street, Chicago, Ill. 60604. Applicant's representative: Jacob P. Billig, 1126 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as defined by the Commission in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities in bulk), from the plantsite and facilities utilized by John Morrell & Co. at Fort Smith, Ark., to Mobile and Montgomery, Ala.; Jacksonville, Miami, Plant City, Pompano Beach, Tampa, Fla.; Atlanta, Ga.; Chicago, East St. Louis and Springfield, Ill.; Estherville and Waterloo, Iowa; Arkansas City, Kans.; Boston and Marlboro, Mass.; Detroit and Livonia, Mich.; Minneapolis and St. Paul, Minn.; Kansas City, St. Louis and Trenton, Mo.; Woodbridge, N.J.; New York, N.Y.; Charlotte and Raleigh, N.C.; Cincinnati, Cleveland and Salem, Ohio; Philadelphia, Pa.; Charleston and Fort Jackson, S.C.; Sioux Falls, S. Dak.; Memphis and Whites Creek, Tenn.; Dallas, Fort Hood, Fort Worth, Killeen, and San Antonio, Tex.; Mechanicsville and Richmond, Va.; Butler, Green Bay, and Milwaukee, Wis.; and (2) *such commodities as are used by meat packers* in the conduct of their business (except liquid commodities in bulk) from the destination points in (1) above, to the plantsite and facilities utilized by John Morrell & Co. at Fort Smith, Ark., restricted to traffic transported under contracts with John Morrell & Co.

NOTE.—The purpose of this republication is to indicate the correct destination territory in part (1) above. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 139495 (Sub-No. 68), filed May 19, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, and display racks and advertising materials*, from the plantsite and storage facilities of E. R. Squibb and Sons, located at or near Michigan City, Ind., to points in Kansas, Missouri, and Texas.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 69), filed May 21, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Washington, D.C.

20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Carpeting, hard surface floor covering, wall-board, wall panels, floor screens, ceiling panels, insulation material, advertising materials, and materials, accessories, and supplies* used in the installation of such commodities, from the plantsites and storage facilities utilized by Armstrong Cork Company located in Lancaster County, Pa., to points in New Mexico, Colorado, Wyoming, Arizona, Utah, Idaho, Montana, Nevada, California, Oregon, and Washington; and (2) from points in the above named destination states, to the plantsites utilized by Armstrong Cork Company located in Lancaster County, Pa.

NOTE.—Applicant holds motor contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139787 (Sub-No. 2), filed May 23, 1975. Applicant: M & M TRUCKING COMPANY, INC., P.O. Box 1743, Auburn, Ala. 36830. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Crushed stone*, in bulk, from points in Talladega County, Ala., to points in Georgia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 139906 (Sub-No. 3), filed May 16, 1975. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Paper labels* (plain or printed), *gummed paper, corrugated boxes, and materials, parts and supplies*, used in the manufacture thereof (except commodities in bulk and which because of size or weight require special handling or equipment), from the plantsites of Avery Products located at Azusa, Calif., and Monrovia, Calif., to points in Cleveland, Ohio; Denver, Colo.; Elmhurst, Ill.; North Brunswick, N.J.; and Gainesville, Ga.

NOTE.—Applicant holds motor contract carrier authority in MC 134559 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Lincoln, Nebr., or Salt Lake City, Utah.

No. MC 139906 (Sub-No. 4), filed May 16, 1975. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Toilets, closets* (sanitary or chemical), *earthware and related steel parts and supplies* used in the manufacture thereof

(except commodities in bulk of which because of size or weight require special handling or equipment), from the plant site of Monogram Industries located at Carson, Calif., to Elkhart, Ind.

NOTE.—Applicant holds motor contract carrier authority in MC 134559 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Lincoln, Nebr., or Salt Lake City, Utah.

No. MC 139906 (Sub-No. 5), filed May 16, 1975. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Models, all types (cars, trains, airplanes) and related parts and accessories used in the manufacture thereof (except commodities in bulk, or which because of size or weight require special handling or equipment), from the plant site of L. M. Cox Manufacturing Company, Inc., located at Santa Ana, Calif., to points in Atlanta, Ga.; Chicago, Ill.; Dallas, Tex.; and Elizabeth, N.J.

NOTE.—Applicant holds motor contract carrier authority in MC 134559 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Lincoln, Nebr., or Salt Lake City, Utah.

No. MC 139760 (Sub-No. 4), filed May 21, 1975. Applicant: WILLIAM ULBRICH TRUCKING CO., INC., 128 Vreeland Avenue, Leonia, N.J. 07605. Applicant's representative: William R. Ulbrich, Jr. (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Scrap metal, from North Bergen, N.J., to Sparrows Point, Md., under a continuing contract with Vulcan Materials Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Newark, or Jersey City, N.J.

No. MC 139942 (Sub-No. 2), filed May 19, 1975. Applicant: LASCO HAULING COMPANY, INC., 211 Lee Court, Alexandria, Va. 22302. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Scrap metal, in dump vehicles, from the District of Columbia, to points in Pennsylvania, New Jersey, Delaware, Maryland, Virginia, and Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 140339 (Sub-No. 3), filed May 9, 1975. Applicant: TONY'S TERMINAL TRK., INC., 77 Paterson Avenue, Wallington, N.J. 07057. Applicant's representative: Morton E. Kiel, Suite 6193-5, World Trade Center, New York, N.Y. 10048. Authority sought to operate as a contract carrier, by motor vehicle, over

irregular routes, transporting: (1) Such commodities as are dealt in by a manufacturer of electric and gas appliance, from East Rutherford, N.J., to points in Connecticut; Hampden and Berkshire Counties, Mass.; New Castle County, Del.; and points in and east of Tioga, Lycoming, Union, Snyder, Mifflin, Juniata, Franklin, and Fulton Counties, Pa.; and (2) returned shipments, from the above-named destination points, to the above-named origin, under a continuing contract or contracts with Admiral Group of Rockwell International Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 140471 (Sub-No. 3), filed March 17, 1975. Applicant: R. J. C. TRANSPORT CORPORATION, a corporation, 23 North Main Street, Pearl River, N.Y. 10965. Applicant's representative: Robert H. Logan, 117 South Main Street, Nanuet, N.Y. 10954. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Paper carbons, ribbons, inked, ribbon tape, cleaning compound, paper forms, printing ink, paper sets, typewriter pads, plastic articles, teletype perforated tapes, paper, alcohol solvent, machine covers, plastic pellets, and materials, equipment and supplies (except commodities in bulk, and those because of size or weight require the use of special equipment), between the facilities of the Burroughs Corporation at or near City of Industry, Calif.; Bardonia, Ky., and Park Ridge, N.J., on the one hand, and, on the other, points in Alabama, California, Connecticut, Kentucky, New Jersey, Ohio, Pennsylvania, and Texas, under a continuing contract or contracts with the Burroughs Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Newark, N.J., or New York, N.Y.

No. MC 140496 (Sub-No. 2), filed May 21, 1975. Applicant: ABLE MOVING & STORAGE CO., INC., P.O. Box 1931, Baton Rouge, La. 70809. Applicant's representative: Clayton J. Constant, 9927½ Jefferson Highway, Baton Rouge, La. 70809. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Used household goods, as defined by the Commission, restricted to the transportation of traffic having a prior or subsequent movement beyond said points in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, between points in East Baton Rouge, West Baton Rouge, Livingston, Iberville, St. Martin, Lafayette, St. Landry, Pointe Coupee, Ascension, Tangipahoa, West Feliciana, East Feliciana, Orleans, St. Helena, and Acadia Parishes (Counties), La.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Baton Rouge or New Orleans, La.

No. MC 140542 (Sub-No. 1), filed April 24, 1975. Applicant: JACK L. CLAYTON, doing business as C & C AIR-FREIGHT, Route 3, Box 3205, Kennewick, Wash. 99336. Applicant's representative: Boyd Hartman, Suite 804, 10655 NE. 4th St., Bellevue, Wash. 98004. Authority sought to operate as a common carrier, by motor vehicle, over regular and irregular routes, transporting: General commodities having a prior or subsequent movement by air; (1) Over irregular routes, between Yakima, Wash., and the Yakima International Airport, on the one hand, and, on the other, Sunnyside, Grandview, and Prosser, Wash.; and (2) over regular routes, (a) between the Pasco International Airport at or near Pasco, Wash., and Walla Walla, Wash.; From the Pasco International Airport over U.S. Highway 395 (U.S. Highway 12) to Wallula, Wash., thence over U.S. Highway 12 to Walla Walla, and return over the same route, serving all intermediate points; (b) between Walla Walla, Wash., and Dayton, Wash.; From Walla Walla over U.S. Highway 12 to Dayton, and return over the same route, serving all intermediate points; and (c) between Walla Walla, Wash., and Milton-Freewater, Oreg.; From Walla Walla over Washington Highway 125 to junction Oregon Highway 11, thence over Oregon Highway 11 to Milton-Freewater, and return over the same route serving all intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pasco or Seattle, Wash., or Portland, Oreg.

No. MC 140675 (Sub-No. 1), filed May 23, 1975. Applicant: CHARLES C. KVARE, INC., Rural Route No. 3, Pelican Rapids, Minn. 56572. Applicant's representative: Charles E. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Pelletized ground refuse screenings, from ports of entry on the International Boundary line between the United States and Canada located in North Dakota, Montana, and Minnesota, to points in Montana and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Fargo, N. Dak., or Minneapolis, Minn.

No. MC 140703 (Sub-No. 2), filed May 19, 1975. Applicant: B.C.M. TRUCKING, INC., Route 3, Box 223, Moorhead, Minn. 56560. Applicant's representative: Charles E. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Beet pilers and parts and attachments for beet pilers and sugar beet processing machinery and equipment and parts and attachments for sugar beet processing machinery and equipment. (1) Between points in North Dakota on and east of U.S. Highway 83, on the one hand, and, on the other, points in Minnesota lying on and west of a line beginning at the Minnesota-Iowa border, thence along Minnesota Highway 15 to St. Cloud,

Minn., thence along U.S. Highway 10 to Little Falls, Minn., thence along Minnesota Highway 371 to its intersection with U.S. Highway 2, thence along U.S. Highway 2 to its intersection with U.S. Highway 71, thence along U.S. Highway 71 to International Falls, Minn.; (2) from the plantsite and storage facilities of C.F. & I. Engineering at or near Denver, Colo., to those points in Minnesota and North Dakota described in part (1) above, under a continuing contract or contracts with American Crystal Sugar Company, Red River Valley Cooperative, Inc., and Minn.-Dak. Farmers Cooperative.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn., or Fargo, N. Dak.

No. MC 140829 (Sub-No. 1), filed May 21, 1975. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 60 Park Place, Newark, N.J. 07102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Toilet preparations and related articles, from the plantsite and facilities of Mennen Company located at or near Morristown, N.J., to points in Illinois, Indiana, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Texas, and Colorado.

NOTE.—Applicant holds motor contract carrier authority under MC 136408 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Newark, N.J., or New York, N.Y.

No. MC 140907 (Sub-No. 2), filed May 21, 1975. Applicant: C. PALUMGO TRUCKING CO., INC., 320 Bailey Avenue, Uniontown, Pa. 15401. Applicant's representative: D. L. Bennett, 129 Edgington Lane, Wheeling, W. Va. 26003. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Coal, in truckloads, from Friendsville, Md., to Bellaire, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Pittsburgh, Pa., or Washington, D.C.

No. MC 140921 (Sub-No. 1), filed May 7, 1975. Applicant: WIN-LINE, INC., 4850 Briarland Drive, Houston, Tex. 77035. Applicant's representative: Basil O. Penney (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Wooden and metal curtain rods, curtain pole and rod fixtures, hooks, fabrics, plastic and rubber materials and articles, and cotton rope (except carpet and carpet padding, commodities in bulk and those which because of size or weight require the use of special equipment), from Sturgis, Mich., and Bettsville, Ohio, to points in California, Oregon, and Washington, restricted against traffic originating at or destined to any facilities of General Tire & Rubber Company, an Ohio Corporation, and further restricted against traffic originating at points in Connecticut.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex., or Detroit, Mich.

No. MC 140921 (Sub-No. 2), filed May 7, 1975. Applicant: WIN-LINE, INC., 4850 Briarland Drive, Houston, Tex. 77035. Applicant's representative: Basil O. Penney (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Plastic materials, plastic or rubber articles, electric appliances, equipment and parts, glass and glassware, cleaning compounds, starch, fabric softeners, disinfectants and vinyl (except commodities in bulk and those which because of size or weight require the use of special equipment), from Edgerton, Phillipsburg, and Gibsonville, Ohio; Aberdeen and Mitchell, Ind.; Oldwick, N.J.; Brockway, Pa.; and Clarksburg, W. Va., to points in California, restricted (1) to the transportation of traffic originating at points in Indiana, Ohio, Pennsylvania, New Jersey, and West Virginia, with traffic originating at points in Ohio and further restricted to cleaning compounds, starch, fabric softener and disinfectants; (2) against the transportation of traffic originating at or destined to any facilities of General Tire & Rubber Company, an Ohio Corporation; (3) against the transportation of traffic originating at or destined to the facilities of Ozite Corporation, a Delaware Corporation; and (4) against the transportation of traffic originating at Elyria, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in either Houston, Tex., or San Francisco, Calif.

No. MC 140921 (Sub-No. 3), filed May 16, 1975. Applicant: WIN-LINE, INC., 4850 Briarland Drive, Houston, Tex. 77035. Applicant's representative: Basil O. Penney (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Chemicals and chemical compounds, from Muskegon and Bronson, Mich., and Hamilton, Miss., to points in California.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Houston, Tex., or Los Angeles, Calif.

No. MC 140921 (Sub-No. 4), filed May 16, 1975. Applicant: WIN-LINE, INC., 4850 Briarland Drive, Houston, Tex. 77035. Applicant's representative: Basil O. Penney (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Vehicle parts, supplies and equipment (except commodities in bulk and commodities which because of size or weight require the use of special equipment), from Abbeville and Cleveland, S.C., Indianapolis and Waynesboro, Miss., Urbana and Bettsville, Ohio, Onalaska, West Bend, and Eau Claire, Wis., Whiteford, Md., Lafayette, Ala., Mitchell and Lagrange, Ind., Muskegon and Waldren, Mich., Bushnell, Ill., and Burrisville, Del., to points in California.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Houston, Tex., or Los Angeles, Calif.

No. MC 140969 (Sub-No. 1), filed May 19, 1975. Applicant: GULF SHIPPING & TRUCKING, INC., 130 Port Road, Riviera Beach, Fla. 33404. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: General commodities (except Classes A and B explosives, articles that require special handling and special equipment, and household goods as defined by the Commission), between the Port of Palm Beach (Fla.), on the one hand, and, on the other, points in Dade, Broward, and Palm Beach Counties, Fla., restricted to shipments having a subsequent movement by water, under a continuing contract or contracts with Gulf Shipping Agency (America), Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Miami, Fla., or West Palm Beach, Fla.

No. MC 140978, filed May 20, 1975. Applicant: BEN BRUCKNER, JR., doing business as BRUCKNER TRUCK SALES, INC., P.O. Box 2492, Amarillo, Tex. 79105. Applicant's representative: Grady L. Fox, 222 Amarillo Bldg., Amarillo, Tex. 79101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Disabled truck tractors and trailers, and disabled route carrier buses for repair, from points in New Mexico east of U.S. Highway 85, points in Colorado east of U.S. Highway 85 and south of Interstate Highway 70, points in Kansas south of Interstate Highway 70 and west of U.S. Highway 81 in Kansas, and points in Oklahoma west of Interstate Highway 35 to Amarillo and Lubbock, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Amarillo, Tex., Albuquerque, N. Mex., or Oklahoma City, Okla.

No. MC 140982 (Sub-No. 1), filed May 21, 1975. Applicant: MARKET EXPRESS, INC., 3342 North Weber Street, Fresno, Calif. 93705. Applicant's representative: Thomas M. Loughran, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Food, foodstuffs, pet food, animal feed, feed supplements, cleaning compound, advertising matter, and commodities, used in the preservation, preparation or serving of foods, in mechanically refrigerated equipment, from the plantsites and storage facilities of Standard Brands Foods Division of Standard Brands Incorporated located in Alameda, Contra Costa, Santa Clara, San Mateo, San Joaquin, Stanislaus, and San Francisco Counties, Calif., to points in Pima, Pinal, and Maricopa Counties, Ariz., under a continuing contract or contracts with Standard Brands Foods Division of Standard Brands Incorporated.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

PASSENGER APPLICATIONS

No. MC 2866 (Sub-No. 20), filed May 20, 1975. Applicant: EDWARDS MOTOR TRANSIT COMPANY, 56 East Third Street, Williamsport, Pa. 17701. Applicant's representative: S. Berne Smith, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, mail and newspapers*, in the same vehicle with passengers, between junction U.S. Highway 62 and Pennsylvania Highway 257 south of Oil City, Pa., and the junction of U.S. Highway 322 and Pennsylvania Highway 208 located at Shippensburg, Pa.: From junction U.S. Highway 62 and Pennsylvania Highway 257 south of Oil City, Pa., thence east over U.S. Highway 62 to junction Pennsylvania Highway 157, thence over Pennsylvania Highway 157 to junction Pennsylvania Highway 208 at or near Fryburg, located in Clarion County, Pa., thence south over Pennsylvania Highway 208 to junction U.S. Highway 322 at Shippensburg, and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 140919, filed April 28, 1975. Applicant: JOHN E. COOK, doing business as DESERT STAGE LINES, 73630 29 Palms Highway, Twentynine Palms, Calif. 92277. Applicant's representative: James H. Lyons, 523 West Sixth Street, Suite 1216, Los Angeles, Calif. 90014. Authority sought to operate as a common carrier, by motor vehicle, over regular

routes, transporting: *Passengers*, as individuals and in groups, and their *baggage and express* in the same vehicle with passengers, in scheduled, charter and special operations. Between Morongo Valley, Calif., and Las Vegas, Nev.: From Morongo Valley, Calif., over California Highway 62 to Twentynine Palms, Calif., thence northerly over Adobe Road to junction Amboy Road, thence easterly and northerly over Amboy Road to junction U.S. Highway 66, thence over U.S. Highway 66 to junction Interstate Highway 40 east of Essex, Calif., thence easterly over Interstate Highway 40 (and also over Goffs Road) to junction U.S. Highway 95, thence over U.S. Highway 95 to Las Vegas, Nev., and return over the same route, serving the intermediate points of Yucca Valley, Joshua Tree and Twentynine Palms, Calif., and the off route point of the U.S. Marine Corps Training Center at Twentynine Palms, San Bernardino County, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Twentynine Palms, Palm Springs or Los Angeles, Calif.

No. MC 140975, filed May 20, 1975. Applicant: WILLIAM G. MCNELLY, doing business as MCNELLY BUS COMPANY, South Franklin Street, Somerset, Pa. 15501. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Bldg., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter and special operations, beginning and ending at points in Somerset County, Pa.; that part of Fayette County, Pa., on and north of Pennsylvania Highway 653, and on and

east of Pennsylvania Highway 711; and that part of Westmoreland County, Pa., on and east of a line beginning at the intersection of Pennsylvania Highway 259 and the Westmoreland-Indiana County line, thence along Pennsylvania Highway 259, to its intersection with U.S. Highway 30, thence east along U.S. Highway 30 to its intersection with Pennsylvania Highway 711, thence along Pennsylvania Highway 711 to its intersection with the Westmoreland-Fayette County line, and extending to points in the United States (including Alaska, but excluding Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Somerset, Pa.

FREIGHT FORWARDER APPLICATION

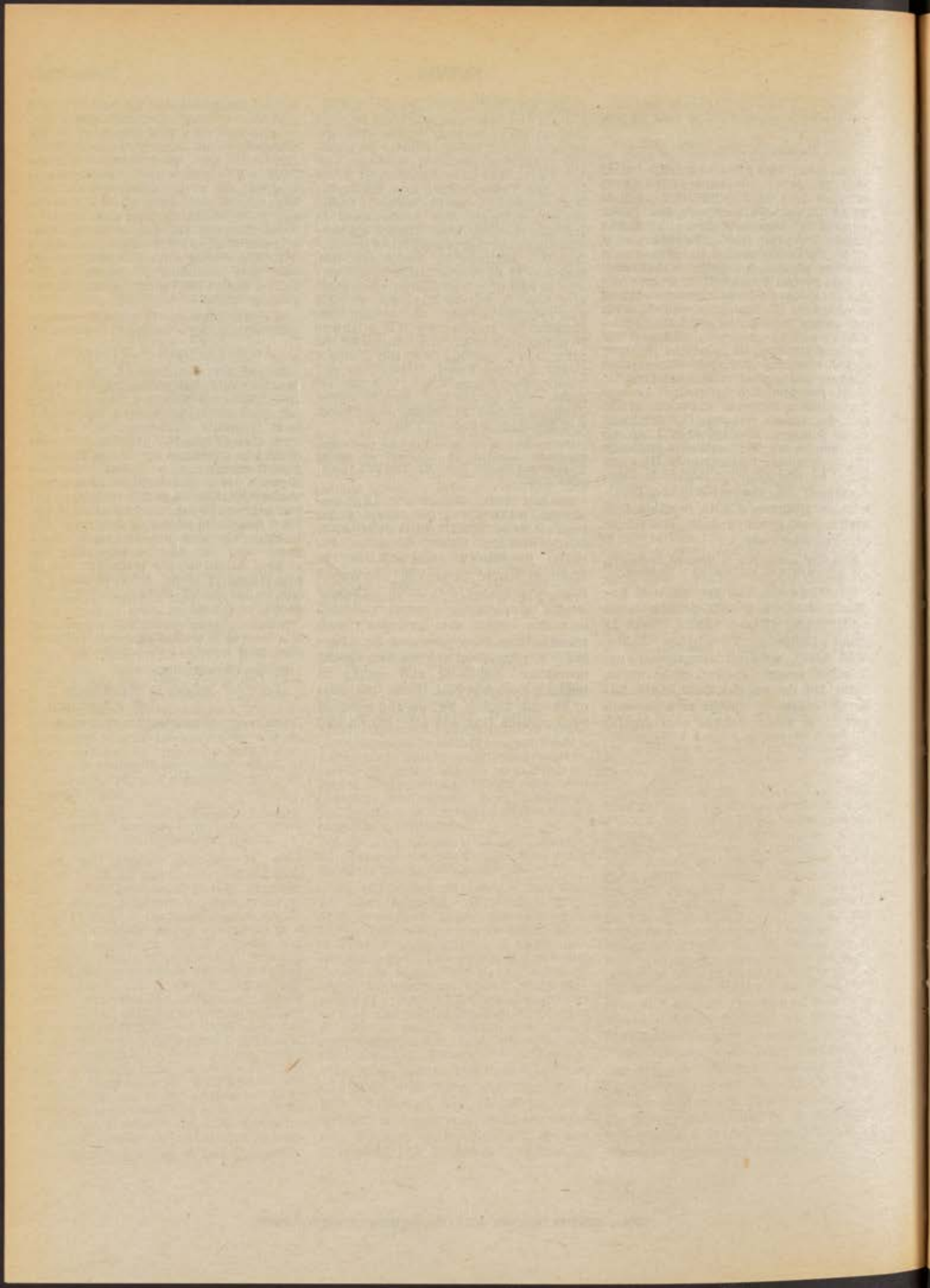
No. FF 470, filed May 13, 1975. Applicant: NEWLON'S WORLDWIDE MOVING, INC., 1511 N. Nelson Street, Arlington, Va. 22201. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by railroad, motor vehicle, water, and express, in the transportation of (a) *Used household goods*, as defined by the Commission, and unaccompanied baggage; and (b) *used automobiles*, restricted in (b) to the transportation of export-import traffic, between points in the United States, including Hawaii but excluding Alaska.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc. 75-15902 Filed 6-18-75; 8:45 am]



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PART II



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

NATIONAL SHELLFISH SAFETY PROGRAM

Proposed Rulemaking

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 950, 951, 952]

[Docket No. 75N-0075]

NATIONAL SHELLFISH SAFETY PROGRAM

Notice of Proposed Rule Making

The Commissioner of Food and Drugs is proposing regulations to ensure the safety and wholesomeness of fresh and frozen molluscan shellfish (oysters, clams, and mussels) sold in interstate commerce. The proposal is designed to maintain and strengthen the voluntary 50-year-old National Shellfish Sanitation Program under which the Federal Government, the States and the industry cooperate to ensure safe and wholesome shellfish. The proposed regulations would formalize the procedures under which the existing program has been operating, and make them nationally uniform. They would define the scope, requirements, and responsibilities of the State and Federal governmental agencies involved. The proposal is intended to satisfy the needs for procedural and other improvements in the existing shellfish control program as identified by surveys conducted by the Food and Drug Administration and the General Accounting Office. Comments on this proposal are sought from interested persons by October 17, 1975.

As announced in a notice published in the FEDERAL REGISTER of December 13, 1973 (38 FR 34353), the Commissioner made available to State shellfish control authorities, the shellfish industry, and other interested persons copies of a draft of a proposed regulation on current good manufacturing practices for the processing of oysters, clams and mussels. The period of public comment initially was set for 60 days and was extended for an additional 30 days in the FEDERAL REGISTER of February 8, 1974 (39 FR 4935), at the request of the States and the industry. Comments received are on file in the office of the Hearing Clerk. All comments received were reviewed, and the revision of the draft, which appears as Subpart C of Part 952 of these proposed regulations, reflects consideration of those comments.

The Food and Drug Administration has evaluated the conditions under which molluscan shellfish products are grown, harvested, transported, processed, and distributed for human consumption. Some of these products are grown and packaged under inadequate sanitary conditions. The Food and Drug Administration, cooperating State shellfish regulatory agencies, and industry associations are seeking to improve the sanitary practices of the industry to ensure that molluscan shellfish are produced under adequate sanitary conditions and are safe, pure, and wholesome.

The molluscan shellfish referred to and included in this proposal are from the order Pelecypoda, which includes about 15,000 species classified into approximately 70 families. Most mollusks

live in the sea or coastal regions, although about one-fifth are fresh water species. The United States commercial molluscan shellfish industry utilizes species that grow and reproduce in the coastal zone region or estuaries, except for two Atlantic continental shelf species, the surf clam and mahogany quahog. All species of scallops from the family Pectinidae are excluded from these proposed regulations. Many of the common commercial species of edible molluscan shellfish of special public health concern are as follows:

COMMON NAME AND SCIENTIFIC NAME

- Cockle, *Clinocardium nuttalli*.
- Geoduck, *Panopeus generosa*.
- Fresh water clam, *Rangia cuneata*.
- Soft shell clam, *Mya arenaria*.
- Hard (quahog) clam, *Mercuraria mercenaria* and *Mercuraria campechiensis*.
- Surf clam, *Spisula solidissima*.
- Mahogany quahog (clam), *Arctica islandica*.
- Gaper clam, *Tresus nuttalli*.
- Razor clam, *Solen resacous*, *Ensis directus*, *Solen viridis*, *Tangulus plebeius* and *Siliqua patula*.
- Bent-nose clam, *Macoma nasuta*.
- Pismo clam, *Tivela stultorum*.
- Butter clam, *Saxidomus giganteus*.
- Calico clam, *Macrocallista maculata*.
- Sunray venus, *Macrocallista nimbosa*.
- Pacific littleneck clam, *Protothaca tenerima*, *Protothaca staminea*, and *Protothaca laciniata*.
- Manila clam, *Tapes semidecussata*.
- Pacific (Japanese) oyster, *Crassostrea gigas*.
- Eastern oyster, *Crassostrea virginica*.
- Olympia or yaquina oyster, *Ostrea lurida*.
- European oyster, *Ostrea edulis*.
- Blue or bay mussel, *Mytilus edulis*.
- California sea mussel, *Mytilus californianus*.

Shellfish (oysters, clams, and mussels), if contaminated, present a potential health hazard to the consumer because (1) of the shellfish's ability to filter and concentrate pathogenic microorganisms and toxic substances present in the environment, (2) the environment in which shellfish grow is almost universally subject to some degree of domestic, industrial, or animal pollution, (3) shellfish are packed whole and alive and are often consumed either raw or only partially cooked, (4) deleterious substances can be introduced into the shucked meats due to the nature of the shucking process, and (5) raw shellfish packed and held under inadequate refrigeration can provide an excellent growth medium for bacteria. In order to provide adequate consumer protection and minimize potential health hazards, sanitary controls in the shellfish industry must begin at the growing area and continue through all aspects of harvesting, processing, packaging, storage, and distribution.

Shellfish can transmit infectious hepatitis viruses, typhoid, cholera, certain forms of bacteria that can cause gastroenteritis, and toxic chemicals such as mercury, pesticides, and certain marine biotoxins. Recent incidents in the Southeastern United States demonstrate the presence of this hazard. Over 400 persons in the Southern United States con-

tracted infectious hepatitis from eating oysters during September and October 1973. Four persons in Florida suffered shellfish poisoning in November 1973, as a result of gathering and eating clams that were contaminated with toxic dinoflagellates. These marine algae are associated with the red tides that cause fish kills along the Florida Gulf Coast.

The experience with two 1972 paralytic-shellfish-poison outbreaks in New England and the Pacific Northwest shows that shellfish move very widely and quickly in interstate commerce. In New England there were 34 cases and two persons were hospitalized. In a matter of 2 weeks suspected lots had been distributed to consignees in over 45 States, Canada, and Puerto Rico. A report of the New England outbreak is on display at the office of the Hearing Clerk, Rm. 4-65, Food and Drug Administration, 5600 Fishers Lane, Rockville MD 20852. With modern refrigeration and distribution systems, fresh shellfish can reach any United States retail market in a few hours and no longer than a few days. Fresh oysters, clams, and mussels are a highly perishable product and require better quality controls than are now provided by some states and localities.

The primary hazard to the consumer presented by shellfish relates to the quality of the growing water in which they are grown. Shellfish pump vast quantities of water through their bodies as an essential part of their life process. In this process they accumulate and concentrate microorganisms, chemicals, and heavy metals from their marine environment. If they are exposed to water polluted with human and animal wastes, they may become agents of gastroenteric diseases.

Since people frequently eat raw or partially cooked shellfish, a health hazard may be present if shellfish are harvested from contaminated waters. Even in cases where shellfish are fully cooked, the presence of marine biotoxins can result in shellfish poisonings.

In the late 19th and early 20th century, United States public health authorities noted a large number of illnesses associated with the consumption of raw oysters, clams, and mussels. These shellfish-associated outbreaks were also medically recorded in other parts of the world, most notably in European countries. During the winter of 1924, there occurred a widespread typhoid fever outbreak, with cases in New York, Chicago, and Washington, DC, which was finally traced to the consumption of sewage-contaminated oysters. Local and State public health officials and the shellfish industry became sufficiently alarmed over this outbreak to request that the Surgeon General of the United States Public Health Service develop necessary control measures to ensure safe shellfish to the consuming public.

In accordance with this request, the Surgeon General called a conference of representatives from State and municipal health authorities, State conservation commissions, the Bureau of Chemistry

(later to become the Food and Drug Administration), the Bureau of Fisheries (now National Marine Fisheries Service) and the shellfish industry. This historic conference was held in Washington, DC, February 19, 1925, and a copy of the conference proceedings is on file with the Hearing Clerk.

The conference developed eight resolutions for permanent sanitary control of the oyster industry. These resolutions were recorded as follows:

Resolutions Adopted by the Conference on Shellfish Pollution, Washington, DC, Feb. 19, 1925.

DR. EVANS' RESOLUTION:

Resolved, That in the interest both of our public health and of our food industries, and in order to reestablish the confidence of the people in shellfish, provision should be made at the earliest possible date, certainly before March 4, 1925, for more nearly adequate official sanitary supervision, regulation and protection of the industries engaged in the production, preparation for sale, and the distribution in traffic of all shellfish and other foods which are frequently eaten without being cooked.

Resolutions Adopted as a Basis for Permanent Oyster Control:

1. The beds on which shellfish are grown must be determined, inspected, and controlled by some official state agency and the U.S. Public Health Service.

2. The plants in which shellfish are shucked or otherwise prepared or packed by the shipper must be inspected and controlled by some official state agency and the U.S. Public Health Service.

3. The freedom from typhoid bacilli of the workers who handle shellfish must be determined by some official governmental agency.

4. Failing to secure sufficiently high standards to protect the people as regards beds, floating and plumping practices and methods of shucking or other methods of preparation, a satisfactory practical method of pasteurization or other heat treatment, or chemical, or biological method which produces satisfactory results, must be installed and operated under proper governmental supervision.

5. There must be such governmental supervision and such trade organization as will make plain the source of shellfish and will prevent shellfish from one source being substituted for those from another source. This will be chiefly a problem of the individual state.

6. The methods of shipping must be supervised, inspected, controlled and approved by the proper official federal and state agency.

7. The methods of storing, displaying for sale and dispensing must be determined, inspected and controlled by the proper state or city agency.

8. The product must conform to an established bacterial standard and must meet federal, state and local laws and regulations relative to salinity, water content, food proportion and conform to the Pure Food Laws standards.

The conference also established a committee to develop further necessary guidelines and recommend control practices for the sanitary control of the shellfish industry.

The basic concepts in the formation of the National Shellfish Sanitation Program (NSSP) were reiterated by the Surgeon General in his letter of August 12, 1925, to State health officers and all others concerned, a copy of which is on display in the office of the Hearing Clerk.

This letter set forth the following understandings:

1. The Public Health Service considers that the responsibility for the sanitary control of the shellfish industry rests chiefly upon the individual states; and that the requisite coordination and uniformity of control may best be achieved by mutual agreement among the states, with the assistance and cooperation of the Public Health Service and of the Committee appointed by the conference of February 19, 1925.

Since each state already has full jurisdiction within its own territory and either has, or may easily provide the necessary statutes, administrative agencies, and organization for carrying on within its own area all control measures which may reasonably be required, the above plan should be feasible for immediate operation.

2. In accordance with this principle, it is considered that each producing state is directly responsible for the effective regulation of all production and handling of shellfish within its confines, not merely for the protection of its own citizens, but equally for safeguarding such of its product as goes to other states; and it seems proper that the producing state should clearly recognize its responsibility for the safety of the shellfish shipped into other states by issuing a "certificate" covering the product.

3. In order that each state may have full information concerning the measures carried out in other states, the Public Health Service will undertake systematic surveys of the machinery and efficiency of sanitary control as actually established in each producing state, and will report thereon for the information of the authorities of other states. Such reports will include not merely a summary of facts, but also an expression of opinion as to whether the control exercised in each producing state is actually efficient and reliable. It is believed that, in addition to furnishing valuable information, these reports will have an important influence in stimulating the development of better sanitary control and in promoting substantial uniformity on a higher plane.

The officers of the Public Health Service assigned to this survey work will assist the state agencies in determining their sanitary problems, in formulating plans for adequate sanitary control, and in making actual sanitary surveys as far as practicable.

In accordance with a cooperative agreement between the Public Health Service and the Bureau of Chemistry, the Public Health Service will furnish the Bureau of Chemistry information regarding insanitary shucking houses and shellfish growing areas in order that interstate shipments may be dealt with as heretofore under the Federal Pure Food and Drugs Act.

4. In addition to the above, the Public Health Service will continue to extend the services which it is already rendering, especially in conducting scientific investigations of fundamental importance to control, and in serving as a clearinghouse for the interchange of information and the discussion of policies between state authorities.

5. The Public Health Service has not issued, and does not contemplate issuing, regulations for the sanitary control of shellfish other than the general provisions already included in the Interstate Quarantine Regulations. The Committee appointed by the Conference of February 19, 1925, however, is now drafting a report to be submitted to the Public Health Service, which, it is understood, will make fairly detailed recommendations relative to the measures of control which states are advised to exercise in order that shellfish may be properly and uniformly safeguarded in all parts

of the country. This committee report has not yet been submitted to the Bureau but it is believed that the requirements will be such as may be readily met by any state which has the authority, personnel and equipment to maintain an efficient inspection and control over the beds from which shellfish are taken and the plants in which they are handled and packed for shipment.

To implement the program, the 1925 conference agreed that the producing States would issue "Certificates," i.e., a permit to operate, to shellfish shippers meeting agreed-upon sanitary standards, and that the Public Health Service should serve as a clearinghouse for information on the effectiveness of the State control programs. The Public Health Service outlined the certification system in a letter to State health officers, dated August 29, 1925, a copy of which is on display in the office of the Hearing Clerk. This clearinghouse responsibility was met initially through issuance of a periodic "Progress Report on Shellfish Sanitation" describing the shellfish sanitation program in each State. This procedure was subsequently abandoned in favor of a "program endorsement" concept. Under this concept, the Public Health Service made a continuing appraisal of each State's shellfish sanitation program to determine if the control measures were in substantial accord with the provisions of the current "Manual of Recommended practice for Sanitary Control of the Shellfish Industry." The Public Health Service also published a list of all shellfish shippers certified by those States having "satisfactory" control programs.

The adoption of the "program endorsement" concept changed the role of the Public Health Service from fact-gathering to appraisal. To facilitate the use of the endorsement, a numerical appraisal procedure was developed in 1945. Because of the number of variables and lack of detailed instructions, the appraisal procedure tended to be rather subjective except for the inspection of shipper establishments where a more objective procedure was developed on the basis of experience in the milk and restaurant industries.

Experience demonstrated that the unqualified "program endorsement" concept was not entirely satisfactory because of the subjective qualities of the appraisal procedure and the nature of the Public Health Service responsibilities in the NSSP. These shortcomings were discussed at the 1954, 1956, and 1958 Federal-State-Industry National Shellfish Sanitation Workshops. In accordance with recommendations made at these meetings, the Public Health Service undertook the collaborative development of an objective appraisal procedure acceptable to the States and the shellfish industry, and the establishment of minimum criteria for Public Health Service endorsement of a State program.

The procedures used by the Public Health Service in fulfillment of its obligations in the NSSP were dependent entirely upon adoption of recommended requirements and the cooperative-volun-

tary efforts of State regulatory agencies and the shellfish industry. Heretofore, none of these matters has been the subject of regulations promulgated in the FEDERAL REGISTER except the requirements for "source" of shellfish intended for use on common carriers, set forth in Title 21 of the Code of Federal Regulations, Part 1240—Control of Communicable Diseases, § 1240.60 (21 CFR 1240.60). (Section 1240.60 was recodified from 42 CFR 72.24 (40 FR 5620, Feb. 6, 1975).)

In 1961, the Public Health Service drafted a manual on the "Appraisal of State Shellfish Sanitation Programs." The provisions of this draft manual were reviewed and adopted for interim use by the participants at the 1961 Shellfish Sanitation Workshop held in Washington, DC, on November 28-30, 1961, and continued in use until the Fifth Shellfish Sanitation Workshop held in Washington, DC, on November 17-19, 1964. At this time its use was again discussed and it was adopted and published in 1965.

The voluntary procedures stipulated in the manual and still currently used by the Food and Drug Administration in meeting its agreed-upon responsibilities under the NSSP are prescribed as follows:

a. Each State desiring to participate in the National Shellfish Sanitation Program will submit a formal request to the PHS Regional Health Director. *Provided*, That this requirement will apply only to States entering the program on an original basis or after a lapse in participation. This request, to be signed by the senior official of the State agency having primary responsibility for shellfish sanitation control, shall include a statement to the effect that an interagency agreement exists between the State agencies sharing program responsibilities and that the State recognizes its responsibilities and obligations in the National Shellfish Sanitation Program, and is willing to assist the PHS in making necessary reviews and inspections for State program appraisal. State participation in the National Shellfish Sanitation Program can thereafter be continuous, i.e., States will not have to file an annual notice with the PHS of their intent to participate in the program subsequent to the initial request. However, the regional offices may, at their discretion, request that States signify yearly their desire to participate in this program for the following fiscal year of the State. A State may withdraw from the National Shellfish Sanitation Program at any time upon written notification to the Regional Office of the PHS.

b. PHS will complete a yearly appraisal of each State shellfish sanitation program, utilizing the procedures described in this manual. Field visits will be prearranged with States. PHS will initiate arrangements for such visits. PHS will submit trip reports to the States describing any corrective actions which should be taken by the States.

c. PHS will make periodic spot checks of State shellfish sanitation activities, particularly patrol and plant sanitation operations.

d. PHS will publish a yearly report on the status of the National Shellfish Sanitation Program. This report will describe progress made in both administrative and technical aspects of the program, will discuss problems which must be faced by the program, and will present a statistical review of the State activities. Neither comparative nor specific ratings for individual States will be shown in this yearly status report. The report will be made available to all persons interested in the National Shellfish Sanitation Program

and, if feasible, will be published in a condensed form in a suitable technical journal.

e. A State program with a rating of less than 70 percent in any one of the eight identified program elements—general administrative procedures, laboratory, sanitary survey, relaying, depuration, patrol, harvesting, and shucking-packing—will not be eligible for endorsement by the Public Health Service 90 days after being formally notified of the rating unless the State demonstrates that suitable corrective action has been taken.

Withdrawal of the State program endorsement will be initiated by the PHS Regional Office after discussion with the appropriate State officials, and will be subject to review through established PHS policy channels at headquarters level. If the State desires participation in the National Shellfish Sanitation Program subsequent to PHS withdrawal of endorsement, the director of the State agency having primary responsibility for shellfish control must make application to the Regional Health Director for reappraisal of the State's program. In submitting this application, the State shall describe the measures taken to correct the noted deficiencies.

f. In an emergency situation, the PHS will take immediate steps to suspend temporarily endorsement of a State program when it is found that a condition exists in which interstate shipment of shellfish therefrom would be likely to cause disease. Such action will be initiated by the Regional Program Director through established communication channels after first advising the State of the proposed action.

g. PHS will publish a periodic list of shellfish shippers certified by the endorsed States.

h. PHS will keep the Food and Drug Administration informed of technical and administrative developments in the National Shellfish Sanitation Program in accord with the existing intradepartmental agreement (1933).

i. PHS will keep the Fish and Wildlife Service fully informed of technical and administrative developments of the National Shellfish Sanitation Program in accord with the existing interdepartmental agreement (1958).

In accordance with Reorganization Orders signed by the Secretary on July 1, 1968, and published in the FEDERAL REGISTER of July 10, 1968 (33 FR 9909), the Food and Drug Administration became responsible for the shellfish program (21 CFR 2.120).

Since 1968 the Food and Drug Administration has participated in the cooperative-voluntary National Shellfish Sanitation Program and has administered its shellfish sanitation activity as prescribed in the NSSP Manual of Operations. A copy of the Manual of Operations, together with copies of the 1968 and 1971 National Shellfish Sanitation Workshops, the 1971 National Shellfish Register of Classified Estuarine Waters, and a current Interstate Certified Shellfish Shippers List are on display in the office of the Hearing Clerk. Food and Drug Administration officials have been evaluating State shellfish control programs and observing the sanitary practices of the shellfish industry for the past 6 years.

It has become evident to the Commissioner of Food and Drugs that harvesting, processing, packaging, and storage practices in the shellfish industry are in many instances not adequate to assure

that consumers receive only safe and wholesome products.

The Commissioner has determined that the existing NSSP should be strengthened and codified to ensure that shellfish are harvested only from safe waters and are handled and processed under sanitary conditions. A report to Congress by the General Accounting Office, "Protecting the Consumer from Potentially Harmful Shellfish (Clams, Mussels, and Oysters)," issued in March 1973, a copy of which is on display at the office of the Hearing Clerk, strongly supports this conclusion. The GAO examined selected activities of four shellfish producing States which in 1971 accounted for about 53 percent of the dollar value of the national shellfish production. The GAO made the following overall findings:

1. Shellfish not meeting NSSP bacteriological standards are reaching the consumer in quantities sufficient for the GAO to question the effectiveness of the NSSP.

2. The FDA is not adequately monitoring the States to ensure that shellfish reaching the consumer are pure, safe, and wholesome.

3. The States are not fulfilling their responsibilities for ensuring that shellfish are harvested only from safe waters and are handled and processed under sanitary conditions.

More specifically, the report revealed:

1. The FDA has not established any Federal standards for bacteria or toxic metals (except mercury) in shellfish, and has relied upon the States to enforce NSSP bacteriological and pesticide standards.

2. The NSSP has not adopted toxic metal standards.

3. Shellfish meat samples showed that 31 percent of such samples exceeded allowable NSSP bacteriological standards. Shellfish meat bacteriological data furnished to the FDA by 14 States in 1970 showed that 24 percent exceeded allowable limits.

4. The States are not required to sample shellfish meat and FDA is not required under the NSSP to evaluate such State sampling programs that do exist. Generally, State-wide market-sampling programs are either non-existent or extremely limited. Even when the FDA conducts a plant inspection, which is infrequent, it usually does not collect shellfish samples to be examined by the agency's technicians.

5. Neither the FDA nor the States routinely trace violative shellfish to their source to determine whether the waters from which they come are misclassified and unsafe for harvesting.

6. Timely action is not being taken by States to close areas that have poor water quality, and low-rated areas were not closed, contrary to NSSP requirements. The States have not always adequately posted or patrolled closed growing areas to deter illegal harvesting.

7. Of 30 shellfish plants inspected, 40 percent had insanitary conditions of which eight, or about 27 percent, were considered to be significant.

8. Domestic safeguards to ensure the marketing of safe and sanitary imported shellfish were not always available. For example, in 1971, 12.4 million pounds of imported shellfish (out of a total of 15.8 million pounds imported) had been harvested from waters uncertified under NSSP standards.

Unannounced visits in 1972 by personnel of the Bureau of Foods, Food and

Drug Administration, to plants with State-issued permits in the East and Gulf Coast regions confirmed the GAO's findings. Copies of the inspection reports from these inspections are on display at the office of the Hearing Clerk.

The Food and Drug Administration has determined that oyster, clam, and mussel plants are mostly small and aged facilities, seasonally run, and that many lack modern day technology. Further, the processor in large measure depends upon others to provide quality controls over his raw product, so that even where a processor follows good manufacturing practices, there is still a substantial risk that the product may be unsafe or unsanitary when it reaches the consumer. The existence of these conditions, however, is no excuse for allowing quality control, plant management, and basic items of sanitation to go unattended.

The more serious conditions most frequently found in shellfish processing plants by Food and Drug Administration and State officials are as follows:

1. Inadequate construction and maintenance of buildings and processing equipment, e.g., missing or poorly fitting doors and screens which allow entry of flies and other vermin; and obsolete and worn equipment with rough, pitted, uneven food-contact surfaces and seams.
2. Inadequate construction and maintenance of water and sewage facilities, e.g., improperly constructed and unprotected individual water supplies, failure to prevent back flow of sewer and floor wastes into food processing and storage areas, and failure to provide adequate toilet facilities.
3. Inadequate sanitary controls during shucking and packing, e.g., poor supervision, improperly cleaned, sanitized and stored equipment, use of excessively muddy shell stock, and inadequate refrigeration after shucking.
4. Inadequate sanitary controls during repacking operations, e.g., failure to maintain sufficient refrigeration, introduction of secondary contamination due to poor handling practices, such as addition of water to increase the volume of shellfish, and blending of different lots of shellfish with subsequent loss of original identity of source.

Product abuse during repacking and successive repacking by several and sometimes widely separated dealers is often the cause of high bacterial counts and decomposition in shellfish products at the market level. This abuse during repacking, compounded by poor handling and refrigeration practices during distribution from the original shucker-packer to the wholesale market, is not conducive to a wholesome product, and jeopardizes the continued availability of safe and wholesome shellfish.

The NSSP has been purely voluntary. In establishing or modifying requirements of the NSSP, each participating group in the program (the Food and Drug Administration, the States, the shellfish industry) has an equal number of votes and a two-thirds majority vote has been required to effect any program change. The Public Health Service and the Food and Drug Administration, charged by Congress with the duty to ensure that all food, including shellfish, is safe, pure, and wholesome, have acted primarily

through the policymaking process of the NSSP. The Food and Drug Administration has seldom used its regulatory powers under the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to ensure that fresh and frozen shellfish are safe and sanitary, and has relied primarily on the NSSP to achieve this purpose.

Effective Federal regulatory action under the NSSP is in practice too limited and severe, since the only real sanction available to the Food and Drug Administration is the withdrawal of endorsement of a State's program. The Commissioner concludes that this single sanction is grossly impractical. It neither serves effectively to ensure that only sanitary shellfish reach the consumer, nor does it deal practically with the economic interests of States where the shellfish industry is of great importance. Total withdrawal of Food and Drug Administration endorsement is economically disastrous and has profound effects. The Commissioner appreciates the impact that just the threat of withdrawal of endorsement has had upon State programs. In the past, a suggestion of intention to withdraw endorsement has been sufficient, in some cases, to influence a State to increase its program resources and make necessary corrections in the implementation of its program. However, such confrontation must not be the only mechanism available to handle all the problems that may arise in connection with shellfish sanitation programs. The Commissioner concludes, therefore, that some intermediate but effective sanctions must be made available.

Moreover, under the existing NSSP, withdrawal of endorsement does not serve to halt the shipment of unsafe shellfish. A State that loses Food and Drug Administration endorsement, under the present scheme, may still continue to ship its product in intrastate commerce and in interstate commerce to any person who is willing to receive it. The only limitation is that any other State participating in the NSSP voluntarily agrees not to accept shellfish from a State whose endorsement has been withdrawn.

In addition, regulatory action against individual firms is not taken by the Food and Drug Administration under the current program. In accordance with the procedures agreed upon under the NSSP, the Food and Drug Administration publishes a list of all State certified shellfish shippers. The Food and Drug Administration is not now permitted on a unilateral basis to remove an individual State certified shipper for any reason from the Interstate Certified Shellfish Shippers List. Because of this voluntary agreement in the NSSP, the Food and Drug Administration has not been inspecting shellfish firms for violations of the Federal Food, Drug, and Cosmetic Act, nor has it initiated any Federal regulatory actions against State certified shellfish shippers. In effect, the Food and Drug Administration has delegated this responsibility to the State regulatory agencies, but without prescribing the proper procedures, responsibilities, or

performance standards to fulfill the Food and Drug Administration's legal responsibilities under the Federal Food, Drug, and Cosmetic and the Public Health Service Acts.

The Commissioner concludes that it is time for the Food and Drug Administration's participation in the NSSP to be in accord with the Administrative Procedure Act and the regulatory requirements of the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act. The Commissioner believes that this approach will establish a more effective and comprehensive shellfish safety program. These proposed regulations chart out specific responsibilities and obligations for the Food and Drug Administration, the States, and the shellfish industry. Since its inception, the NSSP has played a major role in shellfish sanitation. The NSSP does not, however, bring together all persons interested in this subject. All members of the public are affected by, and many are interested in, the manner in which our consumer goods and resources are regulated. It is important, therefore, to adopt a more formal and public approach to the regulation of the shellfish industry in the United States.

Under the proposed regulations, primary responsibility for enforcement of the requirements governing shellfish safety remains with the States. In addition, however, the Food and Drug Administration may exercise its authority under the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act, and will rely on withdrawal of State endorsement only as a last resort. The proposed regulations allow the Food and Drug Administration to take Federal regulatory action against individual firms if they do not operate according to good manufacturing practices. If the State regulatory agency and the shellfish firm do not act promptly to correct insanitary conditions, the Food and Drug Administration plans to proceed with Federal regulatory action. Such action may include the revocation of an individual firm's certification to ship in interstate commerce, where the Food and Drug Administration determines that the firm is not in compliance with these regulations. The regulations provide for adequate procedural safeguards on such revocation of certification. The fusion of these intermediate sanctions with the possibility of withdrawing approval of a State program provides a much more effective, practical, and fair method of assuring enforcement of shellfish standards and requirements.

The Food and Drug Administration will continue monthly publication of the Interstate Certified Shellfish Shippers List (ICSSL). The ICSSL will list by State and foreign country the names of certified shellfish processors with their certification number. The purpose of the ICSSL is for the general information to food control officials, persons who process and distribute shellfish and other persons who purchase shellfish. The ICSSL does not necessarily reflect the current status of listed firms; con-

sequently, the fact that a firm appears on the ICSSL will not preclude regulatory action against the firm based on newly obtained information.

For a State to remain in good standing in the current NSSP, it need only attain a satisfactory score on the annual appraisal of its shellfish sanitation program conducted by the Food and Drug Administration. This yearly appraisal is conducted within a short and specific time frame and only after the Food and Drug Administration has notified the State of the date such appraisal is to take place. The proposed regulations attempt to correct what the Food and Drug Administration has perceived to be two weaknesses in the auditing of State programs. First, the present yearly appraisal proceeding will now be only one element in the ongoing procedure of the Food and Drug Administration for appraising a State's shellfish program. Second, the Food and Drug Administration will also utilize unannounced spot checks, independent field visits, trip reports, State violation and disposition files, and any other available information to appraise State programs. In the past, prior notification of visits by the Food and Drug Administration has permitted a State to shore up its shellfish sanitation program before the appraisal proceeding was conducted, and thus the rating officer may not have obtained a true picture of the State's program in operation.

The proposed regulations set microbiological standards for water quality, which is a critical concern of the Commissioner. The present microbiological standards of the NSSP are not strictly enforced. Recent Food and Drug Administration audits of 22 State programs revealed that seven States did not meet the present NSSP standards for a significant number of their growing areas, and yet were allowing harvesting. A copy of the report of these audits is on display in the office of the Hearing Clerk.

The NSSP has attempted to have a single standard for all the nation's shellfish growing waters. However, it has become apparent that some States are simply ignoring the NSSP Manual of Recommended Practices and disregarding the public health control measures stipulated under the NSSP. The principal difficulty has been the inability of some waters to comply with the NSSP approved growing area standards. The Food and Drug Administration has examined two possible approaches other than the single national standard: (1) A set of standards establishing permitted variations based on differences in species and in geographic and oceanographic factors, and, (2) individual standards for each region of the country.

After receiving views on these alternatives from the Eighth National Shellfish Sanitation Workshop held in New Orleans, January 16-18, 1974, the Commissioner is proposing safety standards utilizing the existing NSSP approach, rather than one of the two other approaches. The Commissioner concludes that scientific data are not available to support different standards based on

variations in species or in geographic and oceanographic factors. Similarly, individual standards for various regions of the country cannot be justified unless based on scientific data warranting different treatment. The Commissioner believes that the uniform national standards proposed will adequately protect the public health and will be enforceable.

The second critical concern of the Food and Drug Administration is the ability to determine more accurately the growing area from which shellfish are harvested. The NSSP labeling system is not currently being uniformly applied and officials therefore lack a rapid and reliable method by which contaminated shellfish can be traced to their growing area.

The proposed tagging and recordkeeping system would permit the tracing of the origin of shellfish through the use of labeling codes and processing records. Consequently, at any point in the shellfish marketing process the growing areas and processors of particular shellfish can be identified. As part of this system, the proposed regulations prohibit the commingling during harvesting of shellfish from different coded growing area tracts. The tagging and recordkeeping system prescribed by these regulations will allow Food and Drug Administration or State authorities to determine the growing area of contaminated shellfish within a matter of hours, and it will also provide the authorities with a definitive list of all those who may have handled them.

Enforceable water quality standards and a growing area identification system are not themselves sufficient to meet the overall objective of ensuring that only sanitary shellfish reach the consumer. An effective shellfish sanitation program must include controls at all stages in the operation. Therefore, these proposed regulations set forth specific control practices and sanitary requirements for both processors of shellfish and handlers of shell stock. As with water quality standards, the States will continue to bear the primary responsibility for enforcing these requirements, but the Food and Drug Administration will also be prepared to take appropriate steps where necessary.

Finally, the proposed regulations include safeguards to protect consumers from the potential hazards associated with eating contaminated imported shellfish. Imported shellfish comprise almost 10 percent of the shellfish consumed in this country. Yet, there has never been adequate regulation of imported shellfish.

Because our available analytical methods and inspection techniques are limited, the examination of imported fresh and frozen shellfish at the port of entry does not assure the consumer safe and wholesome shellfish. These regulations will provide procedures whereby imported fresh and frozen shellfish will be required to be produced under the same sanitary controls as applied to United States domestically produced shellfish. The proposed regulations require that any foreign country desiring

to export fresh or frozen shellfish to the United States must agree to comply with the provisions that relate to the sanitary standards and requirements applied to the harvesting, production, and handling of such shellfish intended for shipment to the United States. The regulations provide that the Food and Drug Administration may terminate an import-export agreement with a foreign country upon 30 days' notice. Such a notice will contain the reasons for termination and an opportunity to respond to any statements made in the notice. In the event that the Food and Drug Administration should not receive sufficient reason why the agreement should not be terminated within 30 days after receipt of the notice, the agreement will be terminated. The effect of termination would be to preclude any further importation of shellfish into the United States from that country for such time as the Commissioner deems necessary.

For the foregoing reasons, the Commissioner concludes that the present voluntary tripartite NSSP, consisting of Federal, State, and shellfish industry representatives, should be formalized as a regulatory program established under duly promulgated procedures and regulations. The regulations proposed in this notice of rule making are intended to correct the problems presently existing in the shellfish industry, such as those cited in the GAO report. The Commissioner agrees with the GAO that the NSSP needs to be strengthened, and not destroyed in order to make certain that the consumer receives only safe and sanitary shellfish. The Commissioner recognizes that the NSSP has done much to further the goal of a safe and wholesome food product. It is the intention of the Commissioner to preserve the institutional scheme of the NSSP and maintain and improve the vital commitment that State agencies have made toward sanitary control of shellfish for the past 50 years.

The Commissioner concludes that the name of the NSSP should be modified to reflect the fact that it will encompass all aspects of shellfish safety, not merely sanitation. Accordingly, it is proposed that the new name be "National Shellfish Safety Program," thus retaining the acronym "NSSP."

The Commissioner wishes to emphasize that the cooperative nature of the NSSP is not being changed and that the proposed regulations continue to rely heavily on the important efforts being made by State shellfish control authorities and by the shellfish industry. The States will remain primarily responsible for enforcing the prescribed standards and requirements. At the same time, the Commissioner recognizes that he also has legal responsibilities to assure that shellfish are safe and sanitary and he cannot ignore those responsibilities.

The Commissioner plans to make the requirement for a Comprehensive State Shellfish Control Plan (CSSCP) effective 2 years after these regulations are promulgated in final form. That should provide ample time for States to develop CSSCPs in accordance with the provi-

sions of these regulations. The Commissioner plans, however, to make proposed Part 952 effective shortly after publication of the final regulations. Part 952, which prescribes standards for good manufacturing practices, can be immediately implemented by the States and the Food and Drug Administration to assure the production of safe and sanitary shellfish. Until Part 952 becomes effective, the Food and Drug Administration will rely on the more general provisions of the presently enforceable current good manufacturing practice (sanitation) in manufacture, processing, packing, or holding of human foods (21 CFR Part 128).

In the FEDERAL REGISTER of January 14, 1975 (40 FR 2607), the Food and Drug Administration announced the availability for comment of a prepublication draft of the proposed National Shellfish Safety Program. Copies of this draft were sent to State shellfish control authorities, the Shellfish Institute of North America, and foreign government officials who have bilateral shellfish agreements with the United States. In accompanying letters, the recipients were requested to confine their comments to basic philosophies, strategies, and concepts rather than technical aspects. Both the notice of availability and the letters specified a 30-day preproposal comment period which terminated on February 13, 1975.

The Commissioner received a total of 43 letters containing numerous comments. Several of these comments were of such import that the Commissioner has made several substantive revisions in the basic proposal. These revisions and the reasons therefor are discussed below. The Commissioner concludes that it is inappropriate to respond at this time to the bulk of the comments, which were of a technical nature. These will remain on file with the Hearing Clerk and will be considered along with the comments received as a result of this notice of proposed rule making.

Based upon the comments received by the Food and Drug Administration, the following revisions have been made in the draft National Shellfish Safety Program (NSSP) regulations and are incorporated into this proposal:

1. Section 951.4(b)(4) of the draft would have allowed the harvesting of shellfish from restricted shellfish growing waters for thermal processing. This practice is not permitted under the present NSSP. Several of the comments noted that thermal processing of shellfish from restricted waters would pose inherent enforcement problems and set a new precedent.

The Commissioner concludes that this concept requires additional review with State control agencies and has deleted the concept from the proposal.

2. Under § 951.4(b) of the draft, permits were to be issued for specific harvesting operations under 5 categories and there was a prohibition in draft § 951.4(c) against simultaneous holding of a permit to harvest from an approved and a restricted area or an approved area and a prohibited area. Many comments

indicated that this prohibition was too restrictive and administratively unfeasible.

The Commissioner agrees and concludes that this prohibition would be unnecessarily restrictive and excessively costly to administer. Furthermore, effective permit controls are provided elsewhere in the NSSP regulations. The Commissioner has also simplified § 951.4(b) by eliminating two of the five categories for permit holders because of the elimination of § 951.4(b)(4) and a redefinition of "transplanting" in § 950.3(b)(17).

3. A concept was advanced in §§ 950.4 and 950.5 of the draft to require the same controls over recreational harvesting as for commercial harvesting. This concept would go beyond the current control practices exercised by the NSSP State control agencies. Many State officials questioned the administrative feasibility of this concept and stated that they could not adequately enforce a prohibition against recreational harvesting. Comments from State officials and the industry questioned the great expense that would be involved compared with the real public health protection that this concept would afford.

The Commissioner concludes that the most feasible method to control recreational harvesting is through public educational programs. Consequently, any required controls over recreational harvesting have been deleted and an advisory statement added to § 951.29(c)(10) concerning public educational measures for recreational harvesters.

4. The draft regulation required a Comprehensive State Shellfish Control Plan (CSSCP) to be developed only by States with significant shellfish harvesting or processing industries. Isolated processors in other States would have been subject only to routine periodic inspection by the Food and Drug Administration and to whatever regulation the State chose to impose. The proposal covers every processor, however, and permits a processor to ship in interstate commerce only from a State with an approved CSSCP or, if it is not in a State with an approved CSSCP, only if it has been inspected and certified by the Food and Drug Administration.

5. Control of shellfish in the wholesale and retail markets has been a voluntary control concept in the existing NSSP. The distribution of shellfish is nationwide and, as a perishable product, shellfish generally move rapidly in interstate commerce.

The Commissioner advises that other regulations are being developed to provide federally enforceable controls for distribution and marketing of perishable food stuffs. As part of the Food and Drug Administration's efforts to assure consumers safe and wholesome food in the marketplace, food service sanitation regulations were proposed in the FEDERAL REGISTER of October 1, 1974 (39 FR 35438). Therefore, mandatory requirements for shellfish market control, which were designated as § 952.6 in the draft, have been deleted and general advisory

§ 950.10 revised accordingly to give guidance on shellfish market quality control practices.

6. An important element of the existing NSSP State shellfish control programs is the provision of suitable laboratory facilities and analytical procedures for examination of shellfish waters and shellfish. The Food and Drug Administration has had responsibility for assuring that cooperating State shellfish control agencies continue to operate and manage an adequate analytical laboratory support program. To clarify this concept of State responsibility for laboratory control and the oversight function of Food and Drug Administration, a new § 950.21(a)(3) has been added to the proposal.

7. The categories of processors of fresh and frozen shellfish required to be certified include only shell stock shippers, shucker-packers, and repackers. Under existing NSSP operations, an option was given to States to certify reshippers.

The Commissioner concludes that it is unnecessary to certify reshippers because they do not process shellfish and are adequately provided for in other regulations covering the distribution of food in interstate commerce. Therefore, several definitions in § 950.3(e) have been reworded to define "processors" as shell-stock shippers, shucker-packers, and repackers.

8. The majority of comments requested the Food and Drug Administration to delay publication of the proposed NSSP regulations in the FEDERAL REGISTER. Most comments cited the need to have more time to study the draft and develop alternative approaches.

The Commissioner concludes that any further delay in publishing the proposed NSSP would not be in the best interest of the public. A draft of the proposed NSSP has been furnished to State shellfish control authorities, the Shellfish Institute of North America and other interested parties. Thus far, opportunity for comment from the consuming public has been minimal.

As a result of the numerous comments received from State and industry sources, certain portions of the draft NSSP regulations received by the interested parties mentioned above have either been revised or omitted. Therefore, the Commissioner concludes that further public comment is desirable as soon as possible and that the best method to ensure such comment is by publication of the proposal in the FEDERAL REGISTER. However, the Commissioner is aware that the usual period of 60 days for public comment may be inadequate, especially in light of the need to assemble data regarding the economic impact of the proposed regulations and the Commissioner's desire to have the benefit of comments that may result from a full discussion of the proposed regulations at the 9th National Shellfish Sanitation Workshop to be held at Charleston, South Carolina, on June 25 and 26, 1975. The Commissioner, therefore, concludes that an extended comment period is in order and thus has provided 120 days for comment.

It should be noted again that careful consideration has been given to adherence to the well-founded concepts of the existing NSSP and that the Commissioner encourages all interested persons to provide the Food and Drug Administration with written comments on all aspects of the proposed regulations during the comment period.

9. Several comments expressed concern that the penalty provisions of draft § 950.8 would apply to State and local officials administering a CSSCP. Some of those commenting also formed the opinion that the provisions of draft § 950.8 would supersede any State penalties and thereby remove enforcement from State and local control.

In order to eliminate any further misunderstanding, the Commissioner has revised § 950.8. Revised § 950.8(a) states that these penalties do not apply to statutes, ordinances, and regulations that govern the official conduct of Federal, State, and local agencies and their personnel. Revised § 950.8(b) makes it clear that the penalties provided under § 950.8 (a) are in addition to and do not supersede those provided by State and local law. Furthermore, it will be the policy of the Food and Drug Administration to defer to State and local authorities whenever enforcement under provisions of State and local law is sufficient to ensure compliance. Food and Drug Administration policy is to coordinate its resources with those existing within the State to supplement, rather than replace, State and local manpower and physical capabilities.

10. Draft §§ 951.7 and 952.3 dealing with discharge and disposal of body wastes from boats used in harvesting have been revised. These sections now require discharges from harvesting boats to meet the marine sanitation devices regulations (33 CFR Part 159). The problem of controlling human body waste discharges from vessels into approved shellfish harvesting waters has been of continuing public health concern. The enactment of the 1972 Federal Water Pollution Control Act (33 U.S.C. 1251) provided for the issuance of standards and regulations for marine sanitation devices on board vessels. The U.S. Environmental Protection Agency has the responsibility for the promulgation of standards for marine sanitation devices. Enforcement of marine sanitation devices regulations is the responsibility of the U.S. Coast Guard. The initial standards and regulations for marine sanitation devices were published in the *FEDERAL REGISTER* of January 30, 1975 (40 FR 4621).

Operation of marine sanitation devices according to these standards and regulations will not fully protect approved shellfish waters. Where vessel traffic is heavy and in close proximity to approved shellfish waters, State shellfish control authorities are urged to consider such waters as "specified waters" under Section 312(f)(4) of the 1972 Federal Water Pollution Control Act, 33 U.S.C. 1322(f)(4), which states: "If the Administrator [of the U.S. Environ-

mental Protection Agency] determines upon application by a State that the protection and enhancement of the quality of specified waters within such State requires such a prohibition, he shall by regulation completely prohibit the discharge from a vessel of any sewage (whether treated or not) into such waters".

11. The draft Part 952, Subpart B—Shellfish Depuration, described good depuration practices based upon current United States commercial depuration processes, literature review, and limited depuration research studies on certain commercial species. A stated principle of the NSSP has been that any depuration process of proven effectiveness will be acceptable to the State shellfish control authority and the U.S. Public Health Service. Several comments questioned the lack of specific depuration criteria and cited the need for critical monitoring control parameters for the important commercial species that may be subjected to the depuration process.

The Commissioner concurs in the need for more specific criteria to regulate shellfish depuration processes; however, only the depuration process for the soft shell clam, *Mya arenaria*, has been proven effective for the removal of bacteriological contaminants under actual commercial operations. Depuration processes for other commercial shellfish species are under development. The Commissioner concludes that regulations governing all shellfish depuration processes should not necessarily be based upon practices or design features presently used for one species. Therefore, Subpart B in the draft has been deleted and the general principles controlling depuration processes are stated in a new § 952.6. It is the Commissioner's plan to add more specific requirements to Part 952 as they are warranted by scientific evaluations of the depuration process in the future.

12. Several of the comments from the States raised issues regarding the economic impact of the proposed regulations. Estimates of the cost of developing and implementing the necessary regulations were diverse. One State indicated that the cost would be approximately one-quarter the value of all shellfish landed in its jurisdiction. Another State estimated the cost at twice the landed value of its shellfish. A number of these comments stated that Federal monetary support would be necessary and that "... producing states should not bear the burden alone for shellfish product safety." The general consensus of these comments was that the expense of the proposed National Shellfish Safety Program would be greater than the benefits.

The Commissioner has carefully weighed the public health aspects of these proposed regulations and concludes that the public health considerations continue to be his primary concern. He fully recognizes that these proposed regulations may have a pervasive impact on the States and many of the establishments engaged in the

harvesting and/or processing of shellfish. However, the public health concerns are paramount, and the Commissioner has no choice but to relegate economic considerations to a secondary level of importance. This does not mean, however, that the Commissioner will ignore and not be amenable to valid economic considerations voiced by affected parties. The proposed NSSP regulations are dependent upon cooperation between industry, the States, and the Federal government. Therefore, a prohibitively expensive program would avail the consumer little or nothing in the way of increased protection. The Commissioner wishes to give these economic matters additional consideration. These comments, however, did not particularize their economic concerns to the extent necessary for adequate evaluation. In order to bring the potential economic problems to the fore, the Commissioner specifically solicits economic data from industry, the States, and consumers. He is most interested in having the opportunity to consider all existing data relating to the following issues:

- (1) An analysis, in as precise detail as possible, of any probable price effects on markets, consumers, and businesses.
- (2) The cost impact on State and local government.
- (3) An analysis of reasonable alternatives to the proposed regulations, their costs, benefits, risks and probable inflationary impact compared with the proposed action.

Any economic statement submitted under paragraph (1) or (2) above should consist of a comparison between full adherence to the current National Shellfish Sanitation Program and the proposed program. For example, a State should delineate the cost of maintaining its present program and then present a corresponding comparison with the program provided by this proposal. A shellfish processor, for example, should delineate his present method of operation and the cost involved, as well as providing his anticipated costs under the proposed regulations. In order to apprise the Commissioner properly, all cost figures submitted should be based on current dollar values.

In conclusion, it should be noted again that the current NSSP has been under intensive review by the Food and Drug Administration since 1971. During that period of time various alternative approaches have been discussed and dismissed in favor of the program in these proposed regulations. The approach used by the Food and Drug Administration in drafting these proposed regulations has been to abide by the general and familiar technical concepts that are embodied in the current NSSP. In order to achieve uniformity, however, the Commissioner has included new procedural rules that are nonexistent under the current NSSP.

The basic concepts contained within these proposed regulations have been discussed with State and industry representatives at the national workshop that was held in New Orleans, Louisiana in 1974. Moreover, for the past 2 years, the Food and Drug Administration has

taken every available opportunity to gain input from all concerned parties through the national workshops, regional meetings, numerous other discussions and speaking engagements by Food and Drug personnel, and comments recently received in response to the prepublication draft of the proposed regulations. The present proposed regulations have emerged from this background.

The Commissioner considers the preservation of a voluntary system of cooperation to be vital, and the only reasonable alternative. In the absence of such a program, the Commissioner would be relegated to one of several undesirable courses of action: (1) Totally prohibit the sale of shellfish; (2) totally prohibit the sale of raw shellfish; or (3) require a lot by lot analysis of shellfish. The first two courses of action would, of course, have a disastrous impact on the industry and would deprive the consumer of what has become a traditional food for many Americans. The third approach, already discussed and discarded as an approach for imported shellfish, presents analytical and inspectional limitations.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 402, 403, 701(a), 52 Stat. 1046-1048, 1055, as amended (21 U.S.C. 342, 343, 371(a))) and the Public Health Service Act (secs. 301, 308, 311, 361, 58 Stat. 691, 703, as amended (42 U.S.C. 241, 242f, 243, 264)) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that Chapter I of Title 21 of the Code of Federal Regulations be amended by adding new Parts 950, 951, and 952 to read as follows:

PART 950—NATIONAL SHELLFISH SAFETY PROGRAM (NSSP)—ADMINISTRATION

Subpart A—General Provisions	
950.1	National Shellfish Safety Program—NSSP.
950.3	Definitions.
950.4	Lawful harvesting and processing of shellfish.
950.5	Unlawful harvesting and processing of shellfish.
950.6	Certification to ship in interstate commerce.
950.7	Penalties and other remedies.
950.8	Technical assistance, training, conferences, and workshops.
950.9	Market quality control.
Subpart B—Administrative Procedures	
950.20	Initial approval of a Comprehensive State Shellfish Control Plan.
950.21	Program appraisal procedures.
950.22	Withdrawal of approval of a Comprehensive State Shellfish Control Plan.
950.23	Procedure for reapproval of a Comprehensive State Shellfish Control Plan.
950.24	Revocation of certification to ship in interstate commerce.
950.25	Certification of firms in States without an approved Comprehensive State Shellfish Control Plan.
950.26	Classification of growing areas.
950.27	Hearing procedure.
Subpart C—Importation of Shellfish	
950.30	Importation of shellfish.
950.31	Permits.
950.32	Import-export agreement.

AUTHORITY: Secs. 402, 403, 701(a), Pub. L. 717, 52 Stat. 1046-1048, 1055, as amended (21 U.S.C. 342, 343, 371(a)); secs. 301, 308, 311, 361, Pub. L. 410, 58 Stat. 691, 693, 703, 74 Stat. 364, as amended (42 U.S.C. 241, 242f, 243, 264).

Subpart A—General Provisions

§ 950.1 National Shellfish Safety Program—NSSP.

The regulations in Parts 950 through 952 of this chapter may be referred to as the "National Shellfish Safety Program" (NSSP).

§ 950.3 Definitions.

For the purposes of Part 950 through 952 of this chapter, the following definitions apply:

- (a) **Administrative definitions.** (1) "Central file" means a place in which shellfish control program information, data, and reports are stored and maintained.
- (2) "Coliform group" includes all of the aerobic and facultative anaerobic, Gram-negative, nonsporeforming bacilli which ferment lactose with gas formation within 48 hours at 35° C.
- (3) "Commissioner" means the Commissioner of Food and Drugs.
- (4) "Comprehensive State Shellfish Control Plan" (CSSCP) means a State plan which describes, in accordance with the provisions of Part 951 of this chapter, the legal, administrative and investigatory activities necessary for the sanitary control of shellfish growing areas and the shellfish industry.
- (5) "Fecal coliform group" means any bacteria as defined under the coliform group which will produce gas in E.C. medium within 24 hours at 44.5° C in a water bath.
- (6) "Memorandum of Understanding" means a written document between two or more State agencies defining each agency's responsibilities in administering the State's shellfish control program.
- (7) "Lot of shell stock" means a collection of no more than a day's production of shell stock harvested from a single coded growing area tract by one or more harvesters.
- (8) "Lot of shucked shellfish" means a collection of primary containers or units of the same size, type, and style, produced under conditions as nearly uniform as possible, designated by a common container code or marking, and in any event, no more than a day's production.
- (9) "Most probable number" (MPN) means a statistical estimate of the number of bacteria per unit volume, determined from the number of positive results in a series of fermentation tubes. A complete discussion of MPN determinations and computations, including MPN tables, can be found in "Standard Methods for the Examination of Water and Waste Water," 13th ed. (1971) American Public Health Association, Washington, D.C.¹
- (10) "Shall" refers to mandatory requirements and "should" refers to rec-

¹ Copies may be obtained from: American Public Health Association, 1015 18th Street NW, Washington, D.C. 20036.

ommended or advisory procedures or equipment.

(11) "State" means any State or Territory of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(12) "State shellfish control authority" means the State agency or agencies having the legal authority to classify shellfish growing waters; issue permits or certificates; regulate and control harvesting, shipping and handling of shellfish; conduct appropriate water and shellfish analyses; and take such administrative action, as may be necessary, to ensure that only safe and wholesome shellfish reach the consumer market.

(13) "State survey officer" means a State official designated by the State shellfish control authority who is responsible for the accuracy of the sanitary survey data, the validity of the classifications and reclassifications of shellfish growing areas, and the adequacy of the sanitary survey reports.

(b) **Shellfish control definitions.** (1) "Approved area" means the classification of a shellfish growing area which has been approved by the State shellfish control authority for growing or harvesting of shellfish for direct marketing.

(2) "Bait harvesting" means the collection of shellfish from a shellfish growing area by a person for the exclusive use as bait for fishing.

(3) "Closed safety zone" means an area between a waste treatment facility, or other variable source of pollution, and a conditionally approved area, the size of which is determined by the sanitary condition of the area and the time required for the area to be closed in the event of a treatment failure or a pollution discharge.

(4) "Conditionally approved area" means the classification of a shellfish growing area which might be subjected to intermittent contamination and is approved for direct market harvesting only under specific conditions.

(5) "Depuration" means the process by which shellfish cleanse themselves of microbiological contaminants in a controlled process water environment.

(6) "Growing area" means any offshore ocean, coastal, estuarine or fresh water area suitable for natural shellfish growth of artificial shellfish propagation.

(7) "Harvester" means one who takes shellfish from the growing areas, other than a person engaged in recreational harvesting.

(8) "Marine biotoxins" means poisons which have been concentrated temporarily by shellfish from free-swimming, one-celled marine organisms, most commonly associated with the dinoflagellates, *Gonyaulax catenella*, *G. tamarensis*, and *Gymnodinium breve*.

(9) "Performance standard" means the effluent requirements that are to be achieved for a major source of pollution that may affect the water quality in a shellfish growing area.

(10) "Prohibited area" means the classification of a shellfish growing area where hazardous levels of toxic material or pathogenic microorganisms might

reach the area or where a sanitary survey has not been made of the area. The taking of shellfish from prohibited areas for direct marketing shall be prohibited.

(11) "Reappraisal" means a field and office review of the sanitary condition of a shellfish growing area to determine if there has been any change since the last sanitary survey or reappraisal.

(12) "Recreational harvesting" means the collection of shellfish from a shellfish growing area by an individual for his own or his family's exclusive use.

(13) "Relaying" means the moving of commercial-size shellfish from waters not classified as approved to waters classified as approved, conditionally approved, or restricted for the purpose of natural purification. Commercial size is determined by the applicable State law. The replanting of subcommercial size or seed-stock shellfish is not a relaying operation regardless of initial growing area classification.

(14) "Restricted area" means the classification of a shellfish growing area subjected to moderate degrees of pollution from which the State shellfish control authority may allow the taking of shellfish for depuration and relaying.

(15) "Sanitary survey" means an evaluation of all factors having a bearing on the sanitary quality of a shellfish growing area, including sources of pollution, the effects of wind, tides, and currents in the distribution and dilution of polluting materials and the bacteriological quality of the water.

(16) "Shellfish" means all edible species of molluscan bivalves except scallop species from the family Pectinidae.

(17) "Transplanting" means the moving of subcommercial size shellfish from an approved area to another approved area for the purpose of propagation or for reharvesting. Commercial size is determined by the applicable State law.

(c) *Processing and packaging definitions.* (1) "Blower" means a tank or vat used for washing shucked shellfish, utilizing forced air as a means of agitation.

(2) "Bluff" means that portion of shucked shellfish in excess of a standard measure used to record shucker output in the packing room.

(3) "Dry storage" means the storage of shell stock out of water.

(4) "Food-contact surface" means the parts of food equipment, including auxiliary equipment (such as blower pipes and drain valves), which may be in contact with the food being processed, or be subject to drainage into the portion of equipment with which food is in contact.

(5) "Internal temperature" means the actual temperature of shucked shellfish, and not the air temperature of the refrigerator in which the shellfish may be stored.

(6) "Label" means any written, printed, or graphic matter affixed to or appearing upon any package containing shellfish.

(7) "Processor" means a repacker, shell stock shipper, or shucker-packer. It does not include a reshipper, which is a person who trans-ships shucked shellfish

in original containers, or shell stock, from certified shellfish shippers to other dealers, distributors, or to final consumers. A reshipper does not shuck or repack shellfish.

(8) "Repacker" means a person, other than the original shucker, who primarily packs shucked shellfish into containers. Processors classified as repackers may shuck shellfish if they have the necessary facilities. Shucker-packers are classified as repackers if shucked shellfish are regularly repacked.

(9) "Safe" materials are manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food. Other materials are "safe" only if they are not food additives or color additives as defined in section 201(s) or (t) of the Federal Food, Drug, and Cosmetic Act as used, or if they are food additives or color additives as so defined, they are "safe" only if they are used in conformity with regulations established pursuant to section 409 or section 706 of the act.

(10) "Shell stock" means shellfish which remain in their shells.

(11) "Shell stock shipper" means a person who grows, harvests, depurates, or repackages shell stock and does not shuck shellfish or repack shucked shellfish.

(12) "Shucked shellfish" means shellfish, or parts thereof, which have been removed from their shells.

(13) "Shucker-packer" means a person who shucks and packs shellfish.

(14) "Thermal process" means the application of heat to food, either before or after sealing in a hermetically sealed container, for a period of time and at a temperature scientifically determined to be adequate to ensure destruction of microorganisms of public health significance, as well as any microorganisms of nonhealth significance capable of reproducing in the food under normal nonrefrigerated conditions of storage and distribution.

(15) "Wet storage" means the temporary storage of shell stock in tanks, floats, or natural bodies of water.

§ 950.4 Lawful harvesting and processing of shellfish.

(a) The harvesting of shellfish and the processing of shellfish for distribution in interstate commerce as fresh or frozen shellfish may take place in a State that has an approved Comprehensive State Shellfish Control Plan meeting the applicable requirements of Parts 950 through 952 of this chapter by persons certified by that State as meeting the requirements of the CSSCP.

(b) The processing of shellfish for shipment in interstate commerce as fresh or frozen shellfish may take place in a State that does not have an approved CSSCP by persons authorized to do so under the provisions of § 950.25.

(c) Fresh and frozen shellfish may be imported pursuant to the provisions of Subpart C of this part by persons cer-

tified to do so by the government of the country in which the shellfish are harvested and processed.

§ 950.5 Unlawful harvesting and processing of shellfish.

The harvesting of shellfish, the processing of shellfish for distribution in interstate commerce as fresh or frozen shellfish and the processing of shellfish after shipment in interstate commerce for distribution as fresh or frozen shellfish is prohibited, except as permitted in Parts 950 through 952 of this chapter.

§ 950.6 Certification to ship in interstate commerce.

(a) No processor shall ship fresh or frozen shellfish in interstate commerce unless the processor is certified to ship in interstate commerce upon a determination that said processor complies with the requirements of Parts 950 through 952 of this chapter:

(1) By the State shellfish control authority of the State in which located; or

(2) By the government of the foreign country in which located, pursuant to an import-export agreement in accordance with Subpart C of this part; or

(3) By the Food and Drug Administration, pursuant to the provisions of § 950.25.

(b) The Food and Drug Administration may revoke a certification to ship in interstate commerce made by a State shellfish control authority or by the government of a foreign country, pursuant to the provisions of § 950.24.

(c) No processor shall use any interstate certification number issued pursuant to § 951.5 of this chapter, or any number that in form resembles such an interstate certification number, if its certification to ship in interstate commerce has been revoked.

(d) A certification to ship in interstate commerce is not effective until the State or foreign certifying official forwards to the Food and Drug Administration notice of such certification. The required information, which includes the shipper's name, town, and interstate certification number, shall be submitted on Form FD-3036b, SHELLFISH CERTIFICATION. Revocation of a certification to ship in interstate commerce is effective immediately. The State or foreign certifying official shall promptly notify the Food and Drug Administration of such a revocation by submitting Form FD-3038c, CERTIFICATE CANCELLATION. The forms are available from the Food and Drug Administration, Bureau of Foods, Shellfish Sanitation Branch (HFF-417), 200 C St. SW., Washington, DC 20204, and completed forms shall be forwarded to this same address and the appropriate Food and Drug Administration regional office. Copies of the list maintained by the Food and Drug Administration are available from the same Washington, D.C. address. Each State and foreign government shall maintain a current list of processors certified to ship in interstate commerce.

§ 950.7 Penalties and other remedies.

(a) Any person who violates any regulation in Parts 950 through 952 of this chapter or who violates any statute, ordinance, or regulation that is part of a CSSCP, which are hereby incorporated and adopted by reference, shall be subject to a fine of not more than \$1,000 or imprisonment for not more than 1 year, or both, for each violation, in accordance with section 368 of the Public Health Service Act (42 U.S.C. 271). In addition, any person who violates any regulation in Parts 950 through 952 of this chapter, with respect to shellfish subject to the provisions of the Federal Food, Drug, and Cosmetic Act, shall also be subject to the penalties provided for in section 303 of that act (21 U.S.C. 333). These penalties do not apply to statutes, ordinances, and regulations that govern the official conduct of Federal, State, and local agencies and their personnel.

(b) These penalties are in addition to all penalties and other legal remedies provided for by State and local law. It is the policy of the Food and Drug Administration in administration of the NSSP to defer to enforcement by State and local authorities under provisions of State and local law whenever it is sufficient to ensure compliance.

(c) Shellfish not harvested, processed, and labeled as required by Parts 950 through 952 of this chapter are deemed to have been prepared, packed, or held under insanitary conditions whereby they may have become contaminated with filth, or whereby they have been rendered injurious to health, in violation of section 402(a)(4) of the act (21 U.S.C. 342(a)(4)).

§ 950.8 Technical assistance, training, conferences and workshops.

(a) The Food and Drug Administration will provide technical assistance and consultation to the State shellfish control authority in the control of shellfish. Technical assistance might include, but is not limited to, cooperative growing area studies, evaluation of shellfish depuration processes, and sanitary microbiological studies.

(b) The Food and Drug Administration will provide training for Federal, State, and local regulatory officials and other related officials for the purpose of achieving uniformity and standardization of operations between the various State shellfish control authorities. This training might include, but is not limited to, laboratory methods and procedures, growing area classification procedures, patrol procedures, and inspection procedures of shellfish shippers and firms.

(c) The Food and Drug Administration may conduct conferences and workshops for State shellfish control authorities, the shellfish industry and other interested persons to discuss technical and administrative matters relating to the National Shellfish Safety Program and to make recommendations to the Commissioner on matters concerning Parts 950 through 952 of this chapter.

§ 950.9 Market quality control.

All States should adopt a program to assure the safe handling of fresh and frozen shellfish at the wholesale and retail levels of distribution. Such a program should include:

(a) Inspection of shellfish distributors and enforcement of regulations to assure the proper handling of shellfish.

(b) Provision that shucked shellfish are refrigerated in crushed ice or held at 45° F or below in order to maintain shucked shellfish in a wholesome state.

(c) Provision that only certified fresh and frozen shellfish are marketed in properly labeled containers.

Subpart B—Administrative Procedures**§ 950.20 Initial approval of a Comprehensive State Shellfish Control Plan.**

(a) Each State that plans to develop a CSSCP should submit to the appropriate Regional Office of the Food and Drug Administration a letter of intent within 30 days after publication in the FEDERAL REGISTER of these regulations as a final order. The CSSCP should be submitted within 15 months of such publication.

(b) The State shellfish control authority shall submit the CSSCP to the appropriate Regional Office of the Food and Drug Administration. If more than one agency is involved, one agency shall submit a complete and coordinated CSSCP.

(c) The Regional Food and Drug Director shall initiate review of the CSSCP for compliance with Parts 950 through 952 of this chapter and forward the plan through the Food and Drug Administration administrative channels for review. Within 120 days after receipt by the Food and Drug Administration of the CSSCP, the Commissioner shall issue an order of approval of the CSSCP or the Regional Food and Drug Director shall issue a proposed order of disapproval. Any proposed order of disapproval shall state in specific terms the reasons for disapproval and the necessary changes, modifications, or additions required for approval.

(d) Representatives of the Food and Drug Administration shall meet with State officials to discuss any proposed order of disapproval, if requested. Additional proposed orders may be issued where appropriate. Any changes in the CSSCP should be made by the State shellfish control authority within 60 days after receipt of the proposed order of disapproval and should be submitted to the appropriate Regional Office of the Food and Drug Administration. The changes shall be expeditiously reviewed by the Food and Drug Administration.

(e) The Commissioner shall issue a final order of approval or disapproval within 210 days after receipt of the CSSCP by the Food and Drug Administration. Any order of disapproval shall state in specific terms the reasons for disapproval and the necessary changes, modifications, or additions required for approval.

(f) The Commissioner may extend the period of time allowed for final approval

or disapproval of the CSSCP if a final decision cannot be reached within the time allowed, despite diligent effort and timely submission by the affected parties. If such an extension is made prior to the effective date of these regulations, the State involved shall be deemed, for the purposes of § 950.4, to have an approved CSSCP until 60 days after a final order of disapproval is issued.

(g) A CSSCP may be approved in part when the CSSCP is adequate for control of shellfish processing plants and all growing area waters are closed to shellfish harvesting.

(h) After issuance of any order of disapproval, the State shellfish control authority may request a hearing in accordance with § 950.27.

§ 950.21 Program appraisal procedures.

(a) The Food and Drug Administration shall periodically, usually annually, appraise each State shellfish control program to determine compliance with its CSSCP. The appraisal shall be accomplished through:

(1) Field inspections of growing areas and processing plants; such inspections shall be conducted both unannounced by Food and Drug Administration personnel alone and in conjunction with State personnel;

(2) Reviews of State records;

(3) Reviews of State laboratory programs; and

(4) Other appropriate audit methods that may be necessary to develop an accurate appraisal of the CSSCP.

(b) It shall be the responsibility of the State shellfish control authority to demonstrate compliance with the requirements specified in the CSSCP. The State shall make available to the appropriate regional Food and Drug Administration shellfish evaluation officer copies of all necessary reports, inspections, details of sanitary surveys, results of laboratory proficiency testing and other material, as may be required to complete the appraisal of the State program. This material shall be kept by the State shellfish control authority in a central file.

(c) The Food and Drug Administration Regional Office shall initiate the appraisal report and forward the recommended appraisal report through Food and Drug Administration administrative review offices for clearance. The final Food and Drug Administration approved appraisal report will then be distributed to the State shellfish control authority for necessary action.

(d) Upon receipt of the Food and Drug Administration appraisal report the State shellfish control authority shall have 30 days in which to comment formally on any statements made in the appraisal report. The State shellfish control authority shall submit any statements concerning the Food and Drug Administration appraisal report in writing together with supporting documentation to the Regional Food and Drug Director who issued the report. The Regional Food and Drug Director shall consider the comments and either accept or reject them, in whole or in part, and shall within 30 days, issue an order

modifying or refusing to modify the Food and Drug Administration appraisal report. If the State is not satisfied with the action taken, the State shellfish control authority may request a hearing in accordance with § 950.27. A State shellfish control authority that does not so request a hearing shall be deemed to have accepted the Food and Drug Administration appraisal report.

(e) After the Food and Drug Administration appraisal report has been accepted by the State shellfish control authority, or after the final decision following a hearing on the appraisal report, the State shellfish control authority shall submit to Food and Drug Administration proposed corrective measures and a time schedule necessary to eliminate the program deficiencies in question. The report shall also include a description of additional manpower or other resources that were not included in the CSSCP, if necessary for corrective action.

§ 950.22 Withdrawal of approval of a Comprehensive State Shellfish Control Plan.

(a) Whenever, on the basis of information obtained through the Food and Drug Administration appraisal report, the Commissioner finds that violations of the CSSCP are so widespread that they appear to result from an overall failure of the State shellfish control authority effectively to implement, maintain, and enforce the approved CSSCP, the Commissioner shall issue a withdrawal of approval order. This order shall:

(1) State that the Commissioner has determined that the State shellfish control authority is not in compliance with the CSSCP and has demonstrated an unwillingness or inability to comply with the requirements set forth in Parts 950 through 952 of this chapter; and

(2) State, in detail, the findings and conclusions upon which the determination is based.

(b) Approval of a CSSCP may be withdrawn in part if the CSSCP is adequate for control of shellfish processing operations and all growing area waters are closed to shellfish harvesting.

(c) The State shellfish control agency may request a hearing on such orders in accordance with § 950.27. Evidence presented at any hearing on a Food and Drug Administration appraisal report shall not be repeated at any hearing on withdrawal of approval of the CSSCP, but the record from any pertinent hearing on an appraisal report shall be incorporated into the record of the hearing on withdrawal of approval of the CSSCP.

§ 950.23 Procedure for reapproval of a Comprehensive State Shellfish Control Plan.

(a) After the Food and Drug Administration has withdrawn approval of a CSSCP, the affected State shellfish control authority may apply for reapproval to the appropriate Food and Drug Administration Regional Office.

(b) The Commissioner shall, within 20 working days after receipt by the Food

and Drug Administration of the application for reapproval, issue an order re-approving the CSSCP if he finds the State shellfish control authority has corrected the deficiencies at issue or otherwise denying reapproval.

(c) Any State denied reapproval may request a hearing in accordance with § 950.27.

§ 950.24 Revocation of certification to ship in interstate commerce.

(a) The Commissioner may issue an order revoking the certification to ship in interstate commerce of a person certified by a State or foreign country, or of a processor operating by virtue of § 950.25, determined to be operating in violation of Parts 950 through 952 of this chapter. The order shall state in detail the findings and conclusions upon which the determination is based.

(b) The processor may request a hearing on such order pursuant to § 950.27.

(c) A processor whose certification has been revoked pursuant to this section shall remain without certification until violations of these regulations have been suitably rectified and the firm reinspected by the Food and Drug Administration. The Food and Drug Administration will make the reinspection only after the processor has notified in writing the appropriate Regional Office of the Food and Drug Administration that corrective action has been taken, and that the firm is ready for reinspection. After the Commissioner has determined the firm is no longer in violation of these regulations, he shall issue an order restoring certification to ship in interstate commerce.

§ 950.25 Certification of firms in States without an approved Comprehensive State Shellfish Control Plan.

(a) Any processor wishing to ship in interstate commerce from a State that does not have an approved CSSCP shall apply to the Food and Drug Administration, Bureau of Foods, 200 C St. SW., Washington, DC 20204, for certification to ship in interstate commerce.

(b) A processor so applying to the Food and Drug Administration shall be inspected by the Food and Drug Administration as soon as possible, and whenever possible within 10 working days after receipt of the application. If the processor is determined to be operating in compliance with the requirements of Parts 950 through 952 of this chapter, the Commissioner shall issue an order certifying the processor, or otherwise he shall issue an order denying certification.

(c) Such processors will be inspected periodically by the Food and Drug Administration to determine continued compliance with the requirements of Parts 950 through 952 of this chapter, and if found to be operating in violation of those requirements, shall be subject to revocation of certification to ship in interstate commerce in accordance with § 950.24.

(d) Processors operating under the provisions of this section shall obtain their shellfish only from an approved

source, which shall be from a State having an approved CSSCP or a certified foreign processor.

(e) Any firm whose application for certification to ship in interstate commerce has been denied may request a hearing in accordance with § 950.27.

§ 950.26 Classification of growing areas.

(a) The State shellfish control authority has primary responsibility for classification of State growing areas, in accordance with Subpart B of Part 951 of this chapter. The Food and Drug Administration shall classify growing areas in United States territorial waters not within a State, in accordance with that subpart. Such classification shall be made by the Commissioner by regulation published in the FEDERAL REGISTER after opportunity for public comment. No person shall take shellfish from a growing area except in accordance with the rules set forth in that subpart.

(b) A State shellfish control authority may classify a growing area in accordance with the criteria of Subpart B of Part 951 of this chapter for harvesting shellfish for interstate commerce, and differently for shellfish to be distributed intrastate. In the event a coded growing area tract contains a growing area classified as prohibited for interstate commerce but not as prohibited for intrastate commerce, the entire coded growing area tract shall be deemed to be a prohibited area for harvesting shellfish for interstate commerce.

(c) When the Commissioner determines that a State shellfish control authority has classified a growing area for harvesting shellfish for interstate commerce not in conformity with the criteria in Subpart B of Part 951 of this chapter, he may by regulation prohibit the harvesting of shellfish from that area for distribution as fresh or frozen shellfish in interstate commerce. Such a regulation shall be issued after opportunity for public comment, unless the Commissioner determines that an imminent hazard to health does not allow time for comment. In the event a proposed regulation is issued for comment, the State shellfish control authority may, during the period allowed for comment, request a hearing in accordance with § 950.27, in addition to meeting informally with agency officials and submitting written comments. In the event a regulation is issued without opportunity for comment, the State shellfish control authority may request a hearing in accordance with § 950.27, but the effectiveness of the regulation shall not be stayed pending the hearing.

(d) After a regulation has been issued by the Commissioner pursuant to paragraph (c) of this section, the State shellfish control authority may propose a different classification and present new evidence to the appropriate Food and Drug Administration Regional Office to show that the proposed classification is in conformity with the criteria in Subpart B of Part 951 of this chapter. Based upon the new evidence presented, the Commissioner shall determine whether the regulation shall be retained, modified,

fied, or revoked. The State shellfish control authority which submitted the new evidence shall be informed in writing of the Commissioner's decision with the reasons therefor.

(e) The Commissioner may prohibit the taking of shellfish, for some or all purposes, from any or all waters of a State which does not have an approved CSSCP, if in his judgment such action is appropriate to prevent the entrance into interstate commerce of shellfish from those waters. Such action shall be taken by issuing a regulation, after opportunity for public comment.

§ 950.27 Hearing procedure.

(a) Whenever opportunity for hearing is offered by the provisions of this part, the request shall be made and the hearing conducted in accordance with Subpart F of Part 2 of this chapter.

(b) Any order issued under this part shall not take effect until the time to request a hearing has passed, unless the person who issues the order finds that there is a substantial hazard to health and the order contains that finding and the reasons therefor, in which case the order shall be effective immediately.

(c) The Commissioner's determination after a hearing constitutes final agency action reviewable in the courts pursuant to § 2.11 of this chapter.

Subpart C—Importation of Shellfish

§ 950.30 Importation of shellfish.

(a) All fresh and frozen shellfish imported into the United States shall comply with this Subpart C.

(b) Individual lots of shellfish may be imported into the United States for bona fide scientific or educational purposes or for exhibition when accompanied by a permit issued by the Commissioner pursuant to § 950.31.

(c) If the country of origin has an import-export shellfish control agreement with the United States in effect in accordance with § 950.32 and the lot offered for import is identified with a current interstate certification number issued pursuant to § 951.5 of this chapter, the lot may be imported.

(d) Lots of uncertified live shell stock may be imported into the United States only for relaying or replanting into waters of a State that has an approved CSSCP when accompanied by a permit issued by the Commissioner pursuant to § 950.31 and co-signed by the appropriate State shellfish control authority.

(e) Lots of shucked shellfish may be imported into the United States for bait use when accompanied by a permit issued by the Commissioner pursuant to § 950.31, provided that the primary container is labeled "Not for human use" and the contents are decharacterized by use of a permanent colored dye.

§ 950.31 Permits.

(a) Application for permits to import shellfish for purposes other than human consumption, as required by § 950.30(b), (d), and (e), shall be made in writing to the Bureau of Foods, Food and Drug Ad-

ministration, 200 C St. SW., Washington, DC 20204 and shall contain, identify, or describe the name and address of the applicant, the size of the lot, the common and scientific name of the shellfish species and the intended use of the shellfish following their importation. The application shall also state the precautions that will be exercised in order that the imported shellfish will not be diverted for human use and, upon request, shall be supplemented by such other information and assurances as the Commissioner may deem necessary to protect the public health.

(b) The Commissioner shall issue a permit in writing upon a determination that the applicant for the permit will sufficiently isolate shellfish to prevent their being diverted to human use and will take such other precautions as may be deemed necessary by the Commissioner to protect the public health; if the Commissioner determines otherwise, he shall issue an order denying the application for permit.

(c) Any person whose application for permit is denied may request a hearing in accordance with § 950.27.

§ 950.32 Import-export agreement.

(a) Only an official government agency of a foreign country may submit a request to the Commissioner for an import-export shellfish safety agreement. The request shall be made by an application in writing filed with the Bureau of Foods, Food and Drug Administration, 200 C St. SW., Washington, DC 20204 and shall contain evidence that demonstrates the foreign government agency has laws, rules, or regulations equivalent to those required of State shellfish control authorities by Parts 950 through 952 of this chapter and the foreign government agency has trained personnel, laboratory facilities, and other resources as may be necessary to provide controls over the country's export shellfish industry.

(b) The application shall also describe scientific and public health studies that have been conducted to show that harvested and processed shellfish can be produced in a sanitary manner and meet the criteria and standards of Parts 950 through 952 of this chapter. Information concerning local endemic water- and sea-food-borne diseases among native populations and such other information as may be of assistance to the Commissioner in evaluating the public health hazards associated with consumption of shellfish shall be submitted. The Commissioner may designate Food and Drug Administration officials to make observations in the requesting foreign country to affirm that harvesting, transportation, processing, and shipping of shellfish are in accord with the evidence presented.

(c) The application shall contain charts with coded growing area tracts established in accordance with § 951.27 (e) of this chapter, and names, addresses, and interstate certification numbers, issued pursuant to § 951.5 of this chapter, of shippers who will be certified for importing shellfish to the United States under the terms of the agreement.

(d) The foreign country shall designate a principal shellfish control authority to administer the relevant shellfish laws and regulations. If other governmental agencies share shellfish control responsibilities with the principal control authority, a memorandum of understanding shall be made stating the responsibilities of each agency. The administrators of each agency shall sign all applicable memorandums of understanding, and they shall be submitted with the request, to facilitate the Commissioner's consideration of an import-export agreement.

(e) A liaison office within the principal shellfish control authority shall be designated by the foreign government in the application which will act as a liaison for receipt and exchange of shellfish reports and information.

(f) Imported shellfish shall meet all applicable standards and requirements of Federal law, rules, and regulations and nothing within these regulations shall exempt such shellfish from these requirements. If, upon testing or other information, the Food and Drug Administration finds that imported certified lots may be adulterated or do not meet standards, such lots shall be detained under section 801 of the Federal Food, Drug, and Cosmetic Act.

(g) After having entered into an import-export agreement, the principal foreign government agency shall keep the Commissioner informed of any changes in the information required by paragraph (c) of this section and of any significant changes in the sanitary control program or other information which may be relevant to the safety and wholesomeness of the imported shellfish. The Commissioner under terms of the agreement shall reserve the right to make observations and inspect the foreign country shellfish control program and certified shellfish industry processing and handling practices to determine that imported shellfish to the United States are being produced in compliance with these regulations. The Food and Drug Administration shall conduct such inspections on an annual basis or at a frequency deemed appropriate by the Commissioner to assure him that the shellfish control program remains equivalent to that required of State shellfish control authorities under Parts 950 through 952 of this chapter.

(h) The import-export shellfish control agreement shall provide that the Food and Drug Administration may terminate it on 30 days' notice.

PART 951—THE COMPREHENSIVE STATE SHELLFISH CONTROL PLAN—NSSP

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AUTHORITY: Secs. 402, 403, 701(a), Pub. L. 717, 52 Stat. 1046-1048, 1055, as amended (21 U.S.C. 342, 343, 371(a)); secs. 301, 308, 311, 361, Pub. L. 410, 58 Stat. 691, 693, 703, 74 Stat. 364, as amended (42 U.S.C. 241, 242f, 243, 254).

Subpart A—General Provisions

§ 951.1 State agency responsibility.

(a) The State shellfish control authority shall develop a Comprehensive State Shellfish Control Plan (CSSCP).

(b) The CSSCP shall provide adequate descriptions of State shellfish program procedures and requirements necessary to comply with Parts 950 through 952 of this chapter. Any requirement imposed on a State shellfish control authority in this part shall be construed to be a requirement that a State must impose upon itself through its CSSCP.

(c) The State shellfish control authority shall revise the CSSCP, as necessary, to reflect administrative and legal changes and any changes in control measures or resources, that will significantly alter the effectiveness of the State shellfish control authority under its CSSCP.

(d) A State shellfish control authority may develop a CSSCP applicable only to shellfish processing and not to harvesting. In such a case, any waters in the State shall be prohibited to the harvesting of shellfish.

§ 951.2 General provisions.

The CSSCP shall contain the following general provisions:

(a) Designation of a State agency or agencies as the State shellfish control authority responsible for administering the plan throughout the State.

(b) Regulations that adopt and implement the requirements of Parts 950 through 952 of this chapter.

(c) For each major function of the State shellfish control authority, a description of the necessary resources, including laboratories, equipment, budget, and man-years, and satisfactory assurances that the State shellfish control authority will have the resources for the implementation and enforcement of the CSSCP.

(d) Satisfactory assurances that the State shellfish control authority has or will have the legal authority for the implementation and enforcement of the CSSCP.

(e) For each function of the CSSCP to be performed by more than one agency, a memorandum of understanding between the agencies concerned, describing the responsibilities of each, revised when necessary.

(f) Regulations creating a right of entry and inspection of all harvesting boats, transportation boats and trucks, and all shellfish-processing facilities and creating inspection procedures which allow unannounced inspections.

(g) Procedures for prompt notification to the appropriate Food and Drug Administration Regional Office of growing area classification changes, withdrawal of a shellfish shipper's certification (permit to operate), finding of adulterated shellfish in commerce, and any other information about possible health hazard conditions involving shellfish.

(h) Procedures for access of Food and Drug Administration shellfish audit personnel to review and evaluate the State central shellfish growing area files, plant inspection reports, shellfish growing water and shellfish analytical data, growing area control records, and other information relevant to the CSSCP.

§ 951.3 Analytical support.

(a) An estimate of the number of water samples to be analyzed by the State shellfish control authority should be based on § 951.21 and included in the CSSCP.

(b) All water, sediments, and shellfish samples used by the State shellfish control authority to provide data for the classification of shellfish growing areas, and for all other aspects of the CSSCP shall be collected and transported in accordance with the requirements specified in "Recommended Procedures for the Examination of Sea Water and Shellfish," 4th ed. (1970), American Public Health Association.¹

(c) Except as provided in paragraph (d) of this section, all water and shellfish samples used by the State shellfish control authority shall be analyzed in accordance with "Recommended Procedures for the Examination of Sea Water and Shellfish," 4th ed. (1970), American Public Health Association,¹ for bacteriological examination, and the "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th ed. (1970),² for the bioassay for marine biotoxins, and other chemical and physical determinations.

(d) A State may utilize an alternative procedure other than prescribed in paragraph (c) of this section to analyze water and/or shellfish samples if:

(1) A study demonstrates that results from the alternative procedure are comparable with results from the approved procedure;

(2) Routine parallel testing using the approved procedure is done; and

(3) The amount of data from the approved procedure generated by the parallel testing is sufficient to evaluate annually the validity of the alternative procedure.

(e) In order to determine whether samples are being collected, transported,

¹ Copies may be obtained from: American Public Health Association, 1015 18th Street NW., Washington, D.C. 20036.

² Copies may be obtained from: Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, D.C. 20044.

and analyzed in accordance with standard methods, the State shellfish control authority should:

(1) Provide an internal monitoring program to evaluate laboratory facilities, equipment, and materials;

(2) Require all analysts to participate in Food and Drug Administration sponsored proficiency testing programs;

(3) Provide proper training and supervision for laboratory personnel; and

(4) Maintain records of analytical performance, analytical results, and equipment operation and maintenance.

§ 951.4 Permits.

(a) The CSSCP shall reference and state the legal authority the State shellfish control authority has to issue permits to or license harvesters. Also, a copy of any codes, ordinances, rules or regulations that have been promulgated to provide standard procedures or guidance in the issuance of licenses shall be included in the CSSCP.

(b) A harvester shall obtain a license or permit to harvest from the State shellfish control authority. The State shellfish control authority shall maintain a record of all such licenses. There should be at least three separate provisions in the permits or licenses issued:

(1) For harvesting from approved growing areas.

(2) For harvesting for depuration from restricted growing areas.

(3) For harvesting for relaying from restricted and prohibited growing areas.

(c) A permit or license should be renewed each year or more frequently, as necessary.

(d) Prior to issuing the license or permit, the State shellfish control authority shall provide to the harvester charts or written descriptions depicting (1) coded growing area tract(s), and (2) classification of all shellfish areas within each coded growing area tract in which the harvester expects to operate. Harvesters should be promptly notified of changes in area classification and applicable laws and regulations as they occur. Notification may be accomplished by publication in area newspapers, certified mail, posted notices, or other means deemed adequate by the State shellfish control authority.

(e) Each harvester shall be required to sign a statement as part of his permit stating that he has received charts or written descriptions of the coded shellfish growing area tracts and classified shellfish growing areas; that he understands the State regulations concerning shellfish harvesting; and that he shall be required to have in his possession at all times, while in shellfish harvesting areas, a valid State permit or license for harvesting shellfish.

(f) The State shellfish control authority shall revoke or suspend a processor's or harvester's permit or license when he violates applicable sanitary requirements. The State shellfish control authority shall prohibit any person whose permit has been withdrawn from continued operation within the State until such time as the authority determines that the person is sufficiently in compliance with the applicable laws, rules,

and regulations to warrant reissuance of the permit or license.

§ 951.5 Identification numbers.

The State shellfish control authority shall issue to each harvesters an identification number, and to each processor certified to ship in interstate commerce, an interstate certification number. This interstate certification number shall consist of the standard postal two letter State abbreviation for the issuing State, a number for the particular processor, and the letters SS in the case of a shell stock shipper, SP in the case of a shucker-packer or RP in the case of a repacker. The Food and Drug Administration shall specify the prefix letters to be used by a foreign country.

§ 951.6 Inspections.

The frequency at which harvesting, shipping, and processing operations are inspected and the sanctions taken when harvesters and processors are found in violation of State shellfish regulations shall be provided in the CSSCP.

§ 951.7 Discharge of body wastes.

(a) Discharge of body wastes from boats used in harvesting shall meet the marine sanitation devices regulations (33 CFR Part 159) established by the Commandant of the U.S. Coast Guard and other regulations as may be required by the State shellfish control authority.

(b) The State shellfish control authority should inform all boat owners about the public health dangers inherent in and the State requirements controlling the overboard discharge of body wastes.

§ 951.8 Relaying.

(a) The CSSCP shall state the legal authority of the State shellfish control authority to control and regulate relaying operations pursuant to the requirements of § 952.5 of this chapter, if the relaying operations are to be permitted, and shall describe the procedures for the approval and control of shellfish relaying operations.

(b) Controls to ensure that shellfish are not diverted to commercial marketing channels while the shellfish are being moved and prior to release for harvesting following natural purification shall be provided and described in the CSSCP. To provide such controls, the State shellfish control authority may:

(1) Use quarantine procedures such as constant surveillance and sealed shipments for relayed shellfish in transit and at the relayed site.

(2) Provide 24-hour supervision and policing after relaying.

(3) Require special markings on the boats and transportation vehicles.

(4) Bond commercial harvesters, if involved in relaying operations and have forfeiture of bond if quarantine procedures are violated.

(5) Require special permits or licensing to allow engagement in relaying operations.

(c) The State shellfish control authority shall prescribe the type of information to be recorded and maintained in

a central file for each relaying operation. The following is the minimum information that shall be required before relaying operations commence:

(1) Name of person applying for permit and his vessel identification;

(2) Date of harvest from restricted or prohibited waters;

(3) Species and estimated quantity of shellfish to be relayed;

(4) Date shellfish will be placed in new area; and

(5) Time before reharvesting will be accomplished, not to be less than two weeks after relaying.

§ 951.9 Depuration.

The CSSCP shall state the legal authority of the State shellfish control authority and provide a copy of rules and regulations that have been promulgated to control the depuration process pursuant to the requirements of § 952.6 of this chapter. Depuration controls shall consider species of shellfish, source of shell stock and growing areas, shell stock transportation to the depuration plant, depuration process, quality assurance measures, and laboratory support.

§ 951.10 State shellfish program personnel qualifications.

(a) All personnel involved in shellfish sanitation control programs should have adequate training and experience to conduct the CSSCP properly.

(b) If personnel qualification standards have been established for State shellfish control program positions, these shall be included in the CSSCP.

Subpart B—Growing Areas

§ 951.20 General requirements.

(a) The CSSCP shall state the legal authority of the State shellfish control authority:

(1) To subdivide and code shellfish growing areas;

(2) To survey shellfish growing areas;

(3) To classify properly all offshore State ocean, coastal, estuarine, and fresh waters, where appropriate; and

(4) Immediately to prohibit shellfish harvesting from any polluted growing water. This authority shall include the ability to reclassify as restricted or prohibited any area that has become contaminated from a failure in a waste treatment system, industrial waste spill, natural disaster, or other accidental pollution of the growing area. The CSSCP shall also contain any codes, ordinances, rules, and regulations that have been promulgated to classify shellfish waters.

(b) The State shellfish control authority shall designate a State survey officer who shall endorse all sanitary survey reports and other documents pertaining to sanitary surveys and growing area classifications that become part of the central growing area file.

(c) The CSSCP shall require the preparation of a sanitary survey report for each shellfish growing area to be signed by the State survey officer. These reports shall contain, but not be limited to, a discussion of shoreline environmental

survey data, water quality data, and hydrographic data. The report shall be dated and include an evaluation with the classification of the growing area.

(d) A central file for growing area survey reports and associated information shall be established. This file should include sanitary survey water quality and hydrographic data, information on pollution complaints, records of unusual contaminant discharges into the area, records of corrective actions taken to eliminate sources of pollution, statistical analyses of data and public health evaluations.

(e) The State shellfish control authority shall provide in the CSSCP procedures for prompt notification to the appropriate Food and Drug Administration Regional Office of the following:

(1) Any change in growing area classification.

(2) Any emergency situation that might lead to the contamination of shellfish. This shall include, but not be limited to, sewage and storm water runoff, oil spills, occurrences of shellfish biotoxins, chemical spills, and natural disasters such as floods and hurricanes.

(3) Any illnesses associated with the consumption of shellfish.

(f) The CSSCP shall include, where appropriate, a biotoxin shellfish control plan for the detection of growing area contamination by marine biotoxins. This plan shall define the laboratory resources, and administrative, sample collection, and patrol procedures necessary to provide public health protection in the event of the occurrence of marine biotoxins.

§ 951.21 Sanitary surveys of growing areas.

(a) A sanitary survey shall be made of each identified shellfish growing area prior to its approval by the State shellfish control authority as a source of shellfish for human food.

(b) Each sanitary survey shall include a description and an evaluation of all actual and potential sources of pollution on the estuary and its tributaries, and the distance of such sources to the growing areas; effectiveness and reliability of sewage treatment systems; and the presence of industrial and agricultural wastes, pesticides, or radionuclides. An evaluation shall be made of meteorological and hydrographic effects and geographic characteristics of the estuary that may affect the distribution of pollutants over the growing area, and the bacteriological quality of the growing area waters. These factors shall be studied to determine the most unfavorable hydrographic and pollution conditions. The presence and location of small sources of pollution such as boats which might contribute direct fresh fecal matter to the area shall be evaluated. The presence of domestic, wild animal, or migrating bird populations shall be considered for possible adverse effects upon water quality. Offshore growing areas shall be evaluated for biological and chemical wastes and radiological materials at or near selected dump sites.

Other environmental factors that may affect the quality of the shellfish resource should also be evaluated in the sanitary survey.

(c) The comprehensiveness of each shellfish growing area investigation shall be determined on the basis of all actual and potential sources of pollution in the growing area, the period of time since the last survey was conducted, and other information concerning the sanitary quality of the shellfish-growing water. The amount of sanitary survey data collected shall be sufficient to make a determination of the sanitary quality of the growing area. At least 15 water samples should be collected from each of the representative number of stations along the line separating approved from restricted or prohibited areas. Some of these samples should be collected during periods representing unfavorable hydrographic and pollution conditions. Water sample results obtained over a period of several years may be used provided that water quality data remain unchanged and there have been no adverse changes in hydrographic or sanitary conditions.

(d) The State shellfish control authority shall make a field review to re-evaluate the factors influencing the sanitary quality of each growing area at a frequency sufficient to maintain accurate classification of each growing area. The review should determine if there have been changes in stream flow, actual and potential sources of pollution, or other similar factors which might result in a change in the sanitary quality of the growing area. The field review shall include as a minimum: Review and description of all actual and potential sources of pollution, data from water samples collected from a representative number of stations; and data from representative samples collected during unfavorable hydrographic and pollution conditions. Such information and data shall be recorded in the central sanitary survey file for evaluation and accurate classification of the growing area. The central sanitary survey file shall also include a documented statement by the responsible sanitary survey official that the review has been completed and the growing area continues to be properly classified.

(e) A resurvey shall be conducted in a growing area if it is determined that possible detrimental changes in the sanitary conditions of the growing area have occurred. The purpose of the resurvey is to evaluate fully any changes in the sanitary conditions of the area and to determine if the area continues to conform with the appropriate sanitary quality criteria of this subpart. The thoroughness with which a growing area should be investigated and the amount of sanitary data that should be collected for any resurvey will vary with the type of pollution condition being evaluated.

(f) A resurvey shall be conducted immediately in any approved, conditionally approved, or restricted area if the review required in paragraph (d) of this section or other investigations indicate a sig-

nificant detrimental change in the sanitary quality of a particular area.

(g) Areas classified as approved, conditionally approved, or restricted that do not comply with the sanitary requirements of the appropriate classification shall be immediately reclassified to the appropriate category. No area shall be classified as approved, or conditionally approved, if shellfish from the area might be contaminated. No area shall be classified as restricted if the shellfish from the area remain contaminated after relaying or depuration.

§ 951.22 Classification of growing areas.

Each growing area shall be correctly designated with one of the following classifications: Approved, conditionally approved, restricted, or prohibited. All approved, conditionally approved, and restricted areas shall be correctly classified on the basis of sanitary survey information. All ocean, coastal, estuarine, and fresh shellfish-producing waters that have not been surveyed shall be designated as prohibited.

§ 951.23 Approved growing area criteria.

(a) Growing areas may be designated as approved when the sanitary survey indicates that pathogenic microorganisms, radionuclides, and harmful industrial wastes do not reach the area in dangerous concentration, and this is verified by laboratory findings whenever the sanitary survey indicates the need. Shellfish may be taken from approved areas for direct marketing.

(b) The area shall not be so contaminated with fecal material, radiological and industrial wastes, and marine biotoxins that shellfish might be contaminated.

(c) The bacteriological quality of every sampling station located in approved waters shall meet one of the following standards:

(1) The coliform median MPN of the samples shall not exceed 70 per 100 milliliters, and not more than 10 percent of the samples shall exceed an MPN of 230 per 100 milliliters for a 5-tube decimal dilution test or 330 per 100 milliliters where the 3-tube decimal dilution test is used; or

(2) The fecal coliform median MPN of the samples shall not exceed 14 per 100 milliliters, and not more than 10 percent of the samples shall exceed an MPN of 43 for a 5-tube decimal dilution test or 49 for a 3-tube decimal dilution test. The 5-tube decimal dilution test should be used for determining fecal coliform MPN values.

(d) The State shellfish control authority shall adopt either the coliform or the fecal coliform standard in paragraph (c) of this section, and all growing areas shall be classified according to the standard adopted. The State shellfish control authority may use other multiple tube fermentation combinations such as the 12 tube no dilution test, provided that the statistical precision of the MPN median value of the test is equivalent to the MPN median value of the 5-tube, 3 decimal dilution test.

§ 951.24 Conditionally approved growing area criteria.

Growing areas that are subjected to intermittent microbiological pollution may be classified as conditionally approved by the State shellfish control authority provided that:

(a) State and local authorities are jointly capable of developing and managing a conditional area control program which prevents the harvesting of contaminated shellfish.

(b) Waters classified as conditionally approved meet approved growing area standards for reasonably long periods of time to minimize the frequency of closures.

(c) Shellfish shall not be harvested from the area until sufficient time has elapsed to allow for natural purification after water quality has deteriorated to reach or exceed minimum approved growing area microbiological standards. Shellfish may be taken from conditionally approved areas for direct marketing or recreational harvesting.

(d) Performance standards shall be established for each significant pollution source affecting a conditionally approved growing area. The performance standards for any significant pollution source shall include but not be limited to: (1) Bacteriological quality of the effluent, (2) total quantity of the effluent, and (3) physical and chemical characteristics of the effluent.

(e) Management control requirements for each conditionally approved area shall be developed jointly by the State shellfish control authority, local agencies, including those responsible for operation of sewerage and waste treatment systems, and the local shellfish industry. The requirements shall be based on an evaluation of each of the potential sources of pollution that may affect the area, and shall include procedures for inspecting and monitoring pollution sources, adequate patrol to prevent illegal harvesting, and an alert system for notifying the State shellfish control authority of any adverse change in a pollution source. The management controls shall describe procedures for area closure if pollution source performance standards are not met.

(f) A prohibited area shall be established as a closed safety zone between the conditionally approved area and the source of pollution to give the State shellfish control authority time to stop shellfish harvesting in the conditionally approved area if performance standards are not met.

(g) Critical sewerage system units should be so designed, constructed, and maintained that the chances of failure to meet the established performance standards due to mechanical failure or overloading are minimized. The reliability of critical sewerage system units should be designed and operated such that failure in treatment may only occur once per year.

(h) The State shall immediately close conditionally approved areas to shellfish harvesting when performance standards

have not been met. The area shall remain closed until the performance standards can again be met plus a length of time sufficient to permit natural purification of the shellfish. If the State shellfish control authority is not being notified of intermittent failures in critical waste treatment units, it is evident that the conditional area control program has failed and the area in question shall immediately be classified as prohibited.

(1) The State shellfish control authority shall specify in the CSSCP the frequency and thoroughness with which each conditionally approved area will be reappraised, but it shall not be less than once each year. The purpose of the reappraisal is to determine the compliance with the performance standards, the accuracy of reporting, the mechanical conditions of equipment, and the compliance with approved growing area sanitation requirements. The reappraisal shall include, as a minimum, a field inspection of critical sewerage system units, water samples taken from representative stations under unfavorable hydrographic and pollution conditions, and a written analysis including recommendations based on reappraisal data.

(j) All data relating to the operation of a conditionally approved area, including operation of sewerage systems, shall be maintained in the central sanitary survey file.

§ 951.25 Prohibited growing area criteria.

(a) An area shall be classified as prohibited if there is no sanitary report on the area.

(b) An area shall be classified as prohibited if a sanitary survey indicates that:

(1) The shellfish growing waters are so contaminated with radionuclides or industrial wastes that consumption of the shellfish harvested from these waters might be hazardous; or

(2) The growing waters are so polluted from sources of fecal contamination that the shellfish harvested from these waters are filthy; or

(3) There exists significant intermittent fecal contamination of the area from point discharges such as boats, marinas, sewage ocean outfalls, and sewage sludge dump sites; or

(4) Marine biotoxins are in shellfish at levels which are hazardous.

(c) Shellfish from prohibited areas shall not be harvested for direct human consumption. Shellfish may be relayed from prohibited areas to approved areas subject to the requirements of § 952.5 of this chapter.

(d) If bait harvesting of shellfish is to be permitted, the State shellfish control authority shall specify in the CSSCP detailed management procedures to assure that the shellfish are not harvested for human consumption. This may be achieved by a special licensing and supervision program, denaturing the shellfish with dye, or other equally effective means.

§ 951.26 Restricted growing area criteria.

(a) A restricted area is that zone which lies between an approved and prohibited area or between two prohibited areas.

(b) The restricted area may be moderately affected by fecal waste that has been highly diluted and aged.

(c) A restricted area shall not be affected by chemical or radioactive wastes that will result in hazardous levels in the shellfish meats.

(d) Harvesting of shellfish from this zone shall be limited to harvesting for depuration and relaying.

§ 951.27 Coding of classified shellfish growing areas.

(a) For purposes of identifying and labeling harvested shellfish, a State system for coding growing area tracts shall be developed and maintained.

(b) Each shellfish growing area classified in accordance with § 951.22 shall be assigned to a coded growing area tract. No classified growing area shall be divided and assigned to more than one coded growing area tract.

(c) The assignment of classified growing areas to coded growing area tracts should be based on the following considerations:

(1) Each tract should be of a size normally covered by a harvester during one day's operation; and

(2) The boundaries of the tracts should be based on geographic configurations, watersheds, and political boundaries, where appropriate. The boundaries of all coded growing area tracts shall be so charted as to be readily identified by harvesters and State shellfish control authority officials.

(d) An identification code shall be assigned to each coded growing area tract, which shall consist of the standard postal two letter State abbreviation for the State in which the area is located, and a three digit number, in sequence starting with 001, signifying the particular coded growing area tract.

(e) Each State shall record, on a set of U.S. Department of Commerce National Oceanic and Atmospheric Administration (NOAA) 1200 series coast charts, or other similar sets of charts when NOAA 1200 series are not appropriate due to scale or nonavailability, all State classified growing areas and coded growing area tracts.

(f) The State shellfish control authority shall submit as part of the CSSCP a legal description of all classified shellfish growing areas. The area descriptions shall be worded to permit the information to be transferred to U.S. Department of Commerce National Oceanic and Atmospheric Administration (NOAA) 1200 series coast charts or other similar sets of charts to be designated by the State, when the NOAA 1200 series are not appropriate due to scale or nonavailability. The CSSCP shall also identify the coded growing area tract to which each classified growing area has been assigned.

§ 951.28 Control of areas due to marine biotoxins.

(a) Shellfish shall be routinely collected and assayed for the presence of biotoxins during the harvesting season at stations where shellfish are likely to be affected by marine biotoxins. The samples should be taken from stations where toxins are likely to occur first; indigenous shellfish species known to concentrate the toxins most rapidly should be used.

(b) Shellfish harvesting shall be prohibited in the area when the concentration of paralytic shellfish poison in representative shellfish samples equals or exceeds 80 micrograms per 100 grams of edible portion of raw shellfish, or when toxin from the dinoflagellate, *Gymnodinium breve*, can be detected in 100-gram portions of edible shellfish meats. The occurrence of paralytic shellfish poison is generally associated with large numbers of dinoflagellate species *Gonyaulax catenella*, *G. tamarensis*, in the water and shellfish. The prohibition shall remain in effect until such time as the State shellfish control authority has determined the poison content of the shellfish involved is below the prohibition level.

(c) When thermal processing of shellfish with elevated levels of toxin is practiced, the State shellfish control authority shall develop jointly with the Food and Drug Administration control procedures that should include, but not be limited to, the following:

(1) Raw product toxicity limits for processing.

(2) Controls for harvesting and transportation to the processing plant.

(3) End-product controls on the processed shellfish.

§ 951.29 Growing area control measures.

(a) Each State shall be responsible for preventing the illegal harvesting, possession, transportation, and direct sale of shellfish. This shall be accomplished through:

(1) The adoption of adequate laws, rules, and regulations defining illegal harvesting and the sanctions against illegal harvesting. The CSSCP shall state the legal authority of the State shellfish control authority and provide a copy of any codes, rules, and regulations that have been promulgated to control illegal harvesting of shellfish. The CSSCP shall define conditions of illegal harvesting and the penalties associated with each violation.

(2) The adequate enforcement of these laws, rules, and regulations and adequate prosecution of violators in the State courts.

(3) The assignment of sufficient manpower, equipment, and other resources necessary for the appropriate patrol authority to patrol areas adequately and apprehend violators. Equipment, budget, and personnel requirements necessary for adequate administration and control of illegal harvesting shall be provided in the CSSCP.

(4) The patrolling of growing areas, giving adequate consideration to the type of individual that might harvest illegally, and the need for night, weekend, and holiday patrols.

(b) Procedures for the conduct of resource surveys in restricted and prohibited areas shall be provided in the CSSCP. Resource information shall be port commercial harvesting; and

(1) If the shellfish resource can support commercial harvesting; and

(2) The type of equipment needed to harvest the shellfish which could indicate the method that harvesters might illegally use in the prohibited area.

(c) If the State shellfish control authority shows through a resource survey that a restricted or prohibited area has no shellfish resources, the area need not be patrolled. In such areas, the State shall reappraise the resource potential and prepare a reappraisal report at least every 2 years. The comprehensiveness of the reappraisal survey shall be specified in the CSSCP.

(d) A State shellfish control authority may delegate responsibility for portions of the control program to local agencies. However, delegation of authority to local agencies does not absolve the State shellfish control authority from the obligation of providing information on effectiveness and completeness of these operations. When two or more State and/or local agencies are involved in patrol of shellfish growing areas, a memorandum of understanding shall be prepared to define responsibility for adequate regulation and maintenance of necessary records and included in the CSSCP.

(e) Each State shellfish control authority shall develop a plan for the prevention and/or regulation of harvesting from prohibited and restricted areas as part of the CSSCP. The plan should include at least the following items:

(1) References to applicable State laws and regulations.

(2) An inventory of available resources to be used in the control of shellfish harvesting from restricted and prohibited areas.

(3) Methods of identification and marking of restricted and prohibited areas.

(4) Location of a central file of charts required by § 951.27(e) showing all restricted and prohibited areas and legal written descriptions of each restricted and prohibited area.

(5) Procedures for regulating the harvest of shellfish from restricted and prohibited areas which will ensure that these shellfish are not diverted to other distribution channels.

(6) Listing of areas to be patrolled and identification of specific problem areas.

(7) A determination of the frequency of patrol and the type of patrol that will be used in each prohibited and restricted area with due consideration being given to night, weekend, and holiday patrols; quantity of shellfish available in an area; and the potential threat to public health.

(8) A listing of all records on patrols, apprehension of violators, and dispositions of court cases that will be maintained.

(9) Public education measures to inform recreational harvesters of safe areas to gather shellfish.

(f) The growing area control plan shall be updated, when necessary, and reviewed annually for adequacy by responsible State authorities and the Food and Drug Administration.

(g) A central file shall be maintained in the appropriate State agency containing complete records of all patrol activities (both State and local), violations, and court actions. The State patrol agency shall provide the Food and Drug Administration with a quarterly summary of patrol activities, arrests, and prosecutions.

PART 952—CURRENT GOOD MANUFACTURING AND OTHER REQUIRED PRACTICES—NSSP

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952.80	Shell stock identification.
952.81	Records of harvesters and shell stock processors.
952.82	Identification of shucked shellfish.
952.83	Records of processors.

AUTHORITY: Secs. 402, 403, 701(a), Pub. L. 717, 52 Stat. 1046-1048, 1055, as amended (21 U.S.C. 342, 343, 371(a)); secs. 301, 308, 311, 361, Pub. L. 410, 58 Stat. 691, 693, 703, 74 Stat. 364, as amended (42 U.S.C. 241, 242f, 243, 264).

Subpart A—General Provisions

§ 952.1 General requirements.

Persons handling shellfish shall be subject to the criteria in Part 128 of this chapter in determining whether the facilities, methods, practices, and controls for the processing, packing, or holding of shellfish are in conformance with, and are operated or administered, in conformity with good manufacturing practice to produce, under sanitary conditions, food for human consumption. The criteria in this part set forth additional requirements for the shucking, packing, repacking, and holding of shellfish.

§ 952.2 Boat and truck construction and maintenance.

All boats used in tonging, dredging, or transportation of shellfish, including "buy" boats and all trucks used for hauling shell stock, shall be so constructed, operated, and maintained by the harvester and/or shipper as to prevent contamination or decomposition of the shellfish. This may be accomplished by the harvester and/or shipper in the following manner:

(a) Constructing and locating decks and/or storage bins of boats so as to prevent bilge water and polluted overboard water from coming into contact with the shellfish.

(b) Using removable false bottoms in all small craft, including rowboats, skiffs, and power boats, for the transport of shell stock.

(c) Locating bilge pumps so that pumpage will not contaminate shellfish.

(d) Keeping boat decks and storage bins clean with water from a safe and adequate source.

(e) Thoroughly cleaning those portions of boats or trucks (decks, storage bins, floorbeds, etc.) and all other equipment (shovels, wheelbarrows, rakes, etc.) in contact with shell stock during handling or transport from polluted areas for relaying before they are used for the transport or handling of shellfish from approved growing areas.

(f) Constructing and keeping trucks used for the transport of shell stock clean so as to protect the shellfish from contamination.

§ 952.3 Disposal of body wastes.

Discharge of body wastes from a harvesting boat shall conform to the requirements of the marine sanitation devices regulations (33 CFR Part 159) established by the Commandant of the U.S. Coast Guard and other requirements as may be established by the State shellfish control authority.

§ 952.4 Shell stock handling.

(a) Shell stock shall be protected from contamination and decomposition from time of harvesting until delivery to a certified shellfish dealer or to the consumer. This may be accomplished by:

(1) Washing the shell stock to remove bottom sediments and mud, when applicable, as soon after harvesting as is practicable. Water used for shell stock washing should be obtained from an approved

growing area, or from a safe and adequate source.

(2) Ensuring that shell stock in bulk, or in containers, is not held or stored in an overheated environment.

(3) Prompt delivery or by placing shell stock under refrigeration.

(4) Using containers (sacks, baskets, or boxes, etc.) for storage of shell stock made from durable, safe, material and kept clean.

(b) Shell stock in wet storage facilities shall at all times be protected against microbiological, chemical, and radiological contamination.

(c) Shell stock in dry storage shall be protected against contamination and shall be stored so as to permit drainage away from the shell stock pile.

§ 952.5 Relaying of shellfish.

With approval of the State shellfish control authority, shellfish may be relayed from restricted and prohibited areas to approved areas subject to the following:

(a) All phases of the operation shall be under the immediate supervision of responsible State shellfish control authorities.

(b) Relayed shellfish shall not be harvested until the shellfish have cleansed themselves of hazardous levels of contaminants through natural purification. The length of time between relaying and harvesting will be affected by the following, and other factors:

(1) The quality of water from which the shellfish were harvested for relaying.

(2) The water quality in the relaying area.

(3) The metabolic functions of the shellfish in their new environment, and

(4) The designated use of the shellfish after relaying, i.e., direct marketing, depuration, or thermal processing.

§ 952.6 Shellfish depuration.

Persons engaged in the depuration of shellfish shall operate their depuration facilities in such a manner as effectively to remove contaminants from the shell stock and prevent recontamination. This may be accomplished by:

(a) Locating the depuration facility on or near a source of process water of adequate quantity and quality.

(b) Separating the following operations by partitions, enclosed systems, or other effective means:

(1) Receiving and unloading of contaminated shellfish.

(2) Contaminated shellfish storage and culling area.

(3) Depuration and culling of depurated shellfish.

(4) Storage and packaging of depurated shellfish.

(5) Shipping.

(6) Laboratory facilities.

(c) Obtaining shellfish for depuration from an approved, conditionally approved, or a restricted growing area, and determining that the shellfish are not so contaminated with fecal material, radiological and chemical materials, and shellfish toxins that the shellfish might be unsafe for human consumption after depuration.

(d) Maintaining shell stock storage areas so as to prevent the pre- and post-depurated product from being subjected to contamination.

(e) Monitoring the flow and quality of the process water. The process water should be of such physical and chemical properties to be favorable for the maximum physiological activity of the shellfish species being depurated.

(f) Maintaining process water systems, where applicable, so as to prevent the pre- and post-depurated shell stock from being subjected to contamination.

Subpart B—Shellfish Processing

§ 952.50 Applicability.

Persons engaged in processing shellfish for distribution as fresh shucked or frozen shucked shellfish shall comply with the requirements of this subpart.

§ 952.51 Plants and grounds.

Plants shall be designed and located so that they are not normally flooded by high tides. If plant floors become flooded, processing shall be discontinued until after the waters have receded and the affected areas have been cleaned and sanitized, as necessary.

§ 952.52 Floors, walls, and ceilings.

Floors, walls, and ceilings shall be so constructed and maintained as to prevent contamination of shellfish during holding or processing. This may be accomplished by having floor surfaces impervious to water and graded to drain and walls and ceilings smooth so as to be adequately cleanable.

§ 952.53 Separation of processing systems.

(a) In order to prevent contamination of shellfish with microorganisms, chemicals, filth, or other extraneous material, the following operations shall be separated by partitions, enclosed systems or other effective means.

(1) Shucking.

(2) Packing and packaging.

(b) For preventing contamination of shellfish or packaging materials with microorganisms, chemicals, filth or other extraneous materials, the following operations should be separated by adequate spacing, partitions, or other effective means:

(1) Shell stock receiving.

(2) Shell stock washing.

(3) Shell stock storage.

(4) Finished product storage.

(5) Shipping.

§ 952.54 Freezers or cold storage compartments.

When freezers or cold storage compartments are used for storing or holding shell stock or shucked shellfish, they shall be of adequate size and design to provide for proper separation and inspection of the materials held therein and shall be fitted with proper control devices to ensure that the materials are held at the proper temperatures. The control device may be either an automatic or a manual system and may use an indicating thermometer, a temperature measuring device, or a temperature

recording device. The device should be so installed as to show accurately the temperature within the compartment. If a manually operated mechanical refrigeration system is used, the compartment should be fitted with an automatic alarm system to indicate a significant temperature change.

§ 952.55 Air filters.

Air filters shall be installed on all blower air pump intakes. Oil bath type filters are prohibited.

§ 952.56 Shucking blocks.

Shucking blocks shall be of solid, one-piece construction with all surfaces readily accessible for cleaning. Shucking blocks shall not be constructed of lead or other materials that are not safe.

§ 952.57 Shucking benches.

Tops of shucking benches and contiguous walls extending to an adequate height above the bench top shall be of smooth concrete, or other durable, safe, smooth material, which will not readily crack or disintegrate, and constructed so drainage is complete, rapid, and directed away from shell stock awaiting shucking.

§ 952.58 Shucking equipment and utensils.

All pails, shucking knives, colanders, skimmers, paddles, tables, storage containers, blowers, and other equipment which may come into contact with shucked shellfish shall be constructed of corrosion-free, safe, smooth material which will not readily crack or disintegrate. Seams shall be smoothly bonded to prevent accumulation of shellfish material and other debris. All food-contact surfaces shall be maintained to prevent product contamination and shall be made of safe materials.

§ 952.59 Water and sewage facilities.

(a) There shall be no back flow or cross connection between potable water systems and any other water or sewage systems. Pipes and fittings conveying potable water and waste pipes from any part of the potable water system, including treatment devices, discharging to a drain shall be installed in such a way that back flow will be prevented.

(b) Plant floor wastes shall be discharged into a drainage system. Floor drains and any other pipes or drains for waste or sewage shall be installed in such a way that waste back flow will be prevented.

§ 952.60 Personnel sanitation procedures.

(a) Management shall maintain sufficient control to ensure that employees handling unprotected food or packaging materials wash and sanitize their hands before starting work, after each absence from post of duty, and when their hands may have become soiled or contaminated.

(b) Readily understandable signs directing employees handling unprotected food, unprotected packaging materials, or food-contact surfaces, to wash and sanitize their hands before starting work,

after each absence from post of duty, and when their hands may have become soiled or contaminated, shall be conspicuously posted in the processing room(s) and in all other areas where employees may handle such materials and surfaces.

(c) Adequate and readily accessible hand washing and sanitizing facilities shall be provided in the plant for employees who may handle unprotected food, unprotected packaging materials, and food-contact surfaces. Such facilities shall be furnished with running water at a suitable temperature for hand washing, effective hand cleaning and sanitizing preparations, sanitary towel service or suitable drying devices, and where appropriate, waste receptacles, and should be equipped with water control valves so designed and constructed as to prevent recontamination of clean, sanitized hands.

(d) When manual handling of shucked shellfish is necessary, employees shall wear sanitized waterproof gloves or shall wash and sanitize their hands immediately before such handling. Finger cots, gloves, and/or shields, worn by shuckers, shall be washed and sanitized whenever they may have become soiled or contaminated. Gloves, finger cots or shields made of an absorbent material shall not be used.

§ 952.61 Dressing areas and lockers.

Employee locker rooms shall be separated from processing and storage areas, and shall be equipped with closeable doors that are kept closed at all times except when personnel are passing through. The rooms shall be maintained in a clean and sanitary condition and, where appropriate, refuse containers shall be provided.

§ 952.62 General sanitation requirements.

All equipment, rooms, and buildings used for the storing or processing of shellfish shall be kept clean.

§ 952.63 Utensil sanitation requirements.

All utensils used in processing and equipment with food-contact surfaces shall be adequately cleaned and sanitized either prior to use or at the end of the day's operation, and stored so as to be protected against contamination. Such utensils and equipment shall also be cleaned and sanitized, as often as necessary, during the operation.

§ 952.64 Sanitation of shucking benches and blocks, utensils, and other food contact surfaces.

All shucking benches and blocks, utensils, and other food-contact surfaces shall be cleaned and sanitized, as frequently as may be necessary to prevent the introduction of undesirable microbiological organisms into the shellfish product.

§ 952.65 Container sanitation.

Containers used to convey or store shellfish shall be constructed and shall be handled in a way that prevents contamination of the contents.

§ 952.66 Shell removal.

Shells shall be removed from the shucking room often enough to prevent undue accumulation. This may be accomplished by a continuous operation using conveyors or chute or by other effective means.

§ 952.67 Poisonous or dangerous cleaning compounds, sanitizing agents, and pesticide chemicals.

Poisonous or dangerous cleaning compounds, sanitizing agents, and pesticide chemicals shall be applied, stored, and held in such a manner as to prevent food or packaging material contamination. These materials shall be used only in such manner and under such conditions as will be safe for their intended use. Use of sanitizing solutions shall comply with the requirements of § 121.2547 of this chapter; any applicable regulations promulgated by the U.S. Environmental Protection Agency for the application, use, or holding of such materials shall be followed.

§ 952.68 Storage of equipment.

Rooms used for shell stock storage, shucking, packing, or repacking shall not be used for storage of equipment unless such equipment is properly isolated and essential to the operation.

§ 952.69 Storage of packaging or wrapping material.

Packaging or wrapping material or other processing supplies shall be stored in such a manner that they shall not become contaminated.

§ 952.70 Handling and storage of shell stock.

(a) Shell stock in wet storage facilities shall at all times be protected against microbiological, chemical, radiological, and any other contamination.

(b) Shell stock in dry storage shall be protected against contamination and shall be stored so as to permit drainage away from the shell stock pile. To prevent decomposition, shell stock shall not be stored in an overheated environment.

(c) All shell stock upon receipt should be reasonably free of bottom sediments. If necessary, shell stock should be washed so as to be reasonably free of bottom sediments. Water for shell stock washing shall be from a safe source.

§ 952.71 Shucking of shell stock.

(a) Shell stock shall be shucked in such a manner that they are not subject to contamination.

(b) Shucked shellfish should be washed with potable water to remove mud and shell prior to packing.

(c) Only wholesome shell stock fit for human consumption shall be shucked.

(d) Bluff shall not be returned to shuckers.

(e) Shuckers should not interchange between shucking and packing rooms. However, if such interchange is necessary, suitable protective clothing shall be provided and shall be worn by the shucker before entering the packing

room to prevent contamination of the product.

(f) Shucked shellfish should be delivered to the packing room prior to shuckers taking an extended break from their work stations.

§ 952.72 Processes and controls for raw materials and packaging materials.

(a) Appropriate procedures shall be employed by the processor to assure that incoming shellfish are wholesome and fit for food, that packaging materials are safe and suitable, that water utilized is from a safe source, and that shellfish and packaging materials are otherwise in compliance with current Food and Drug Administration regulations pertaining to microbial, chemical, and other adulteration, with applicable State or local requirements, and with any applicable U.S. Environmental Protection Agency regulations pertaining to pesticide chemical residues.

(b) Only shell stock harvested from an approved growing area or subjected to an acceptable purification process shall be shucked. The source of shell stock shall be in accordance with § 952.80.

§ 952.73 Packing of shucked shellfish.

Shucked shellfish shall be packed and shipped in clean, properly identified containers made of impervious material.

§ 952.78 Repacking of shucked shellfish.

(a) Shucked shellfish for repacking shall be handled and processed in such a manner as to protect against contamination, deterioration, and loss of identification of the product's original source.

(b) Identity of each lot of shellfish shall be maintained throughout the repacking operations.

(c) If shellfish for repacking are washed, the process shall be carried out in such a manner as to prevent product contamination. Shellfish should be repacked without additional blowing.

§ 952.75 Refrigeration of shucked shellfish.

Shucked shellfish shall be adequately cooled promptly after shucking to prevent product deterioration. Shucked shellfish should be cooled to an internal temperature of 45°, or less, within 2 hours after the product is delivered to the packing room and maintained at an internal temperature of 45° F, or less, at all times thereafter. Refrigeration of shucked shellfish may also be accomplished by storing in bins and completely covering the containers with wet ice. The ice shall be clean and from a sanitary source.

§ 952.76 Freezing of shucked shellfish.

Shucked shellfish which are to be preserved by freezing shall be frozen as quickly as practicable. A temperature of 0° F, or less, should be maintained in the frozen storage facilities.

Subpart C—Labeling and Records

§ 952.80 Shell stock identification.

(a) Each lot of shell stock, either bulk or containerized, shall have a tag or label made of substantial waterproof stock of

sufficient size to allow for the following information, which shall be legibly recorded:

(1) The growing area tract code issued pursuant to § 951.27 of this chapter.

(2) Name of the harvester and his identification number or the name of the processor and his interstate certification number, issued pursuant to § 951.5 of this chapter.

(3) The common name and quantity of the shellfish in the lot.

(4) A mark that identifies the date of harvest.

(b) The tag or label shall be securely fastened to each container, or in the case of bulk shell stock shipments shall be attached to the bill of lading or bill of sale.

(c) If a bulk lot of shell stock is split and delivered to more than one consignee, or if a containerized lot of shellfish is split, a separate tag or label shall accompany each portion and carry the information required by paragraph (a) of this section.

(d) Each lot shall consist of shell stock from only one coded growing area tract.

§ 952.81 Records of harvesters and shell stock processors.

(a) Each harvester and shell stock processor shall maintain records showing, for each lot of shellfish:

(1) The original coded growing area tract from which the shellfish were harvested,

(2) Common name and quantity of shellfish purchased or harvested,

(3) Date of harvest,

(4) Date of purchase, if applicable,

(5) Identification number(s) of the harvester(s),

(6) All sales specified by common name and quantity of shellfish,

(7) Date each individual sale is made, and

(8) Name and address or identification number of purchasers, except for retail sales.

(b) These records shall be maintained for a period of at least 1 year.

§ 952.82 Identification of shucked shellfish.

Each shucker-packer and repacker of shellfish shall legibly and permanently mark each package of shellfish with his interstate certification number issued pursuant to § 951.5 of this chapter, his name and address, and a marking that allows the identification of the records required by § 952.83 for the shellfish in that package. None of this labeling shall be placed on any lid or cover, unless such lid or cover is permanently affixed to the container.

§ 952.83 Records of processors.

(a) Complete and accurate records shall be kept by each shucker-packer and repacker of shellfish for distribution as fresh or frozen for each lot of shellfish processed, as follows:

(1) Name and address of person or firm from whom the shell stock was received, harvest area, and date of receipt by the processor.

(2) For shucked shellfish, date of shucking and coded growing area tract.

(3) Type of processing, e.g., shucking-packing or repacking, and date.

(4) When the processing performed consists of repacking, the records shall also include the name and address of the original shucker-packer and date of shucking.

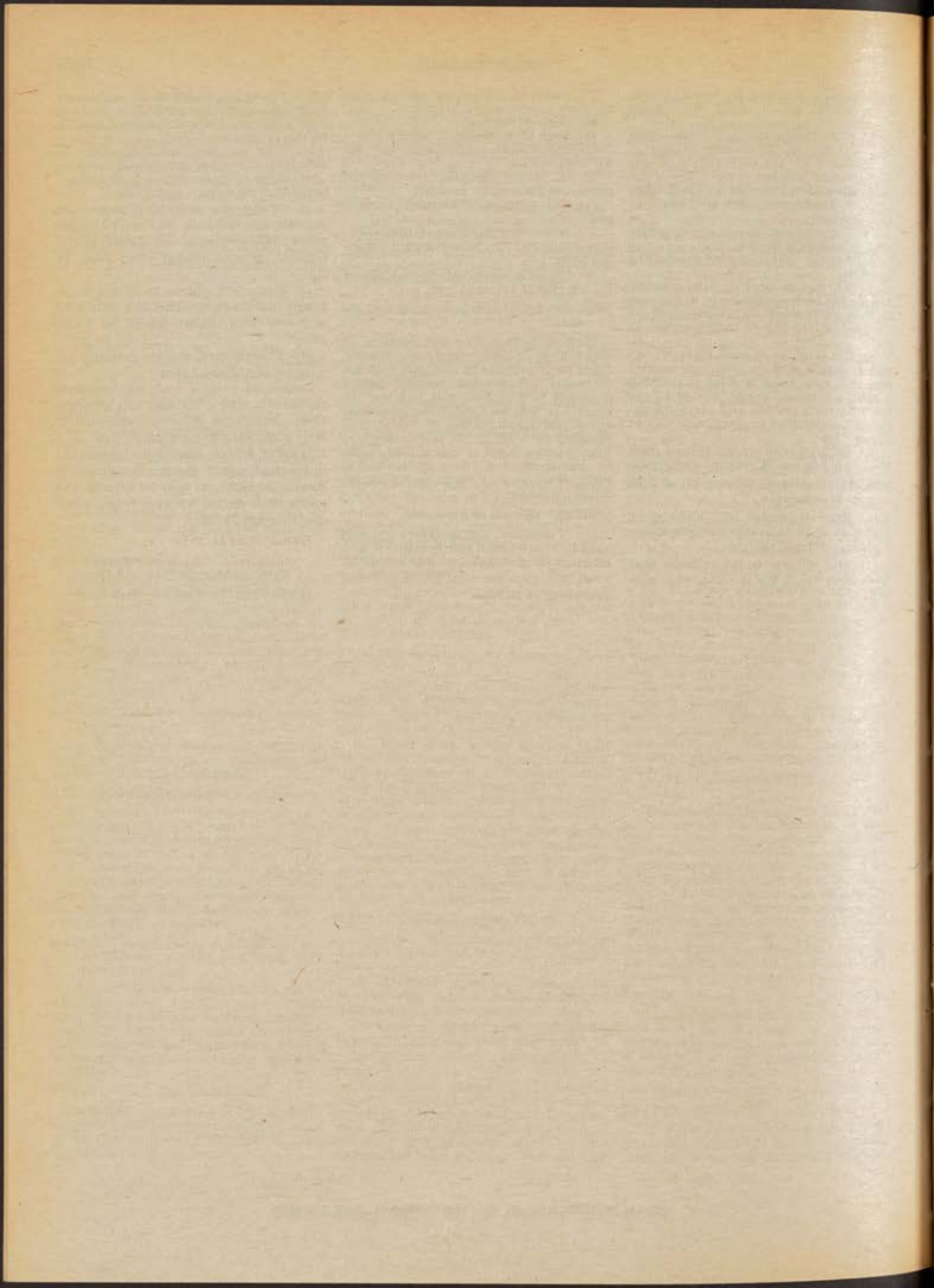
(5) Name and address of person(s) or firm(s) to whom the shellfish were sold and date of shipment, except for retail sales.

(b) These records shall be retained for a period of at least 1 year.

Interested persons may, on or before October 17, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 11, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.
[FR Doc.75-15821 Filed 6-18-75; 8:45 am]

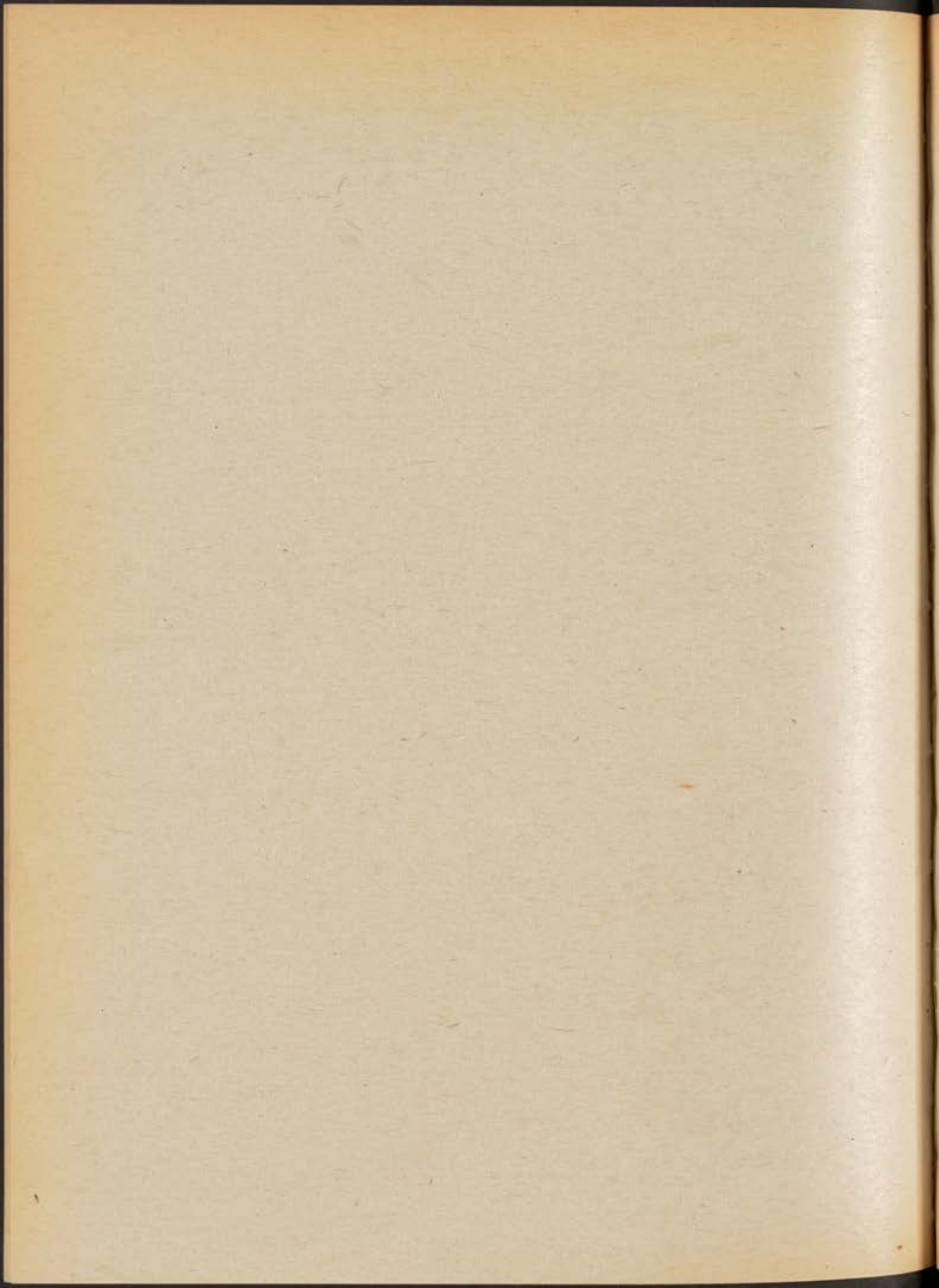


DEPARTMENT OF
HEALTH

INSPECTOR-GENERAL
OF HEALTH

REPORT

ON THE
MORBIDITY AND MORTALITY
IN THE CITY OF NEW YORK
FOR THE YEAR 1900



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THURSDAY, JUNE 19, 1975

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PART III



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration



MEDICARE

**Proposed Conditions of Participation
and Coverage for Physical Therapy and
Speech Pathology Services**

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 405]

[Reg. No. 5]

FEDERAL HEALTH INSURANCE FOR AGED AND DISABLED

Proposed Conditions of Participation by Clinics, Rehabilitation Agencies, and Public Health Agencies

Notice is hereby given pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendments to the regulations set forth in tentative form, are proposed by the Commissioner of Social Security with approval of the Secretary of Health, Education, and Welfare. For a clinic, rehabilitation agency, or public health agency to be eligible for participation as a provider of outpatient physical therapy services in the health insurance for the aged and disabled program, it must meet the requirements set forth in section 1861(p)(4) of the Social Security Act. This section of the law sets forth a number of specific requirements which must be met by participating clinics and rehabilitation agencies, and also authorizes the Secretary of Health, Education, and Welfare to prescribe by regulation other requirements relating to the health and safety of beneficiaries as the Secretary may find necessary. The regulatory requirements must also be met by participating clinics, rehabilitation agencies, and public health agencies. The proposed amendments:

(1) Reorganize the present regulations relating to the conditions of participation which clinics, rehabilitation agencies, and public health agencies are required to meet for purposes of participating in the program, deleting from Subpart Q former §§ 405.1702 through 405.1709 providing certification procedures, since such procedures are now located in new Subpart S—Certification Procedure for Providers and Suppliers of Services (20 CFR 405.1901–405.1910);

(2) Incorporate in the conditions of participation provision for outpatient speech pathology services, as required in section 283 of Pub. L. 92-603, the Social Security Amendments of 1972, which have not previously been included in regulations; and

(3) Incorporate in Subpart Q Conditions for Coverage for Outpatient Physical Therapy Services Furnished by Physical Therapists in Independent Practice, as required in section 251(a)(1) of Pub. L. 92-603, which have not previously been included in regulations.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue, SW., Washington, D.C. 20201, on or before July 21, 1975.

Copies of all comments received in response to this notice will be available for public inspection during regular busi-

ness hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, SW., Washington, D.C. 20201.

The proposed amendments are to be issued under the authority contained in sections 1102, 1861(p), 1871, 49 Stat. 647, as amended, 79 Stat. 321, as amended, 79 Stat. 331; 42 U.S.C. 1302, 1395x(p), 1395hh.

(Catalog of Federal Domestic Assistance Program No. 13.801, Health Insurance for the Aged and Disabled Program—Supplementary Medical Insurance)

Dated: April 11, 1975.

J. B. CARDWELL,

Commissioner of Social Security.

Approved: June 16, 1975.

CASPAR W. WEINBERGER,

Secretary of Health, Education,
and Welfare.

Regulations No. 5 of the Social Security Administration, as amended (20 CFR Part 405) are further amended by revising Subpart Q to read as follows:

Subpart Q—Conditions of Participation: Clinics, Rehabilitation Agencies, and Public Health Agencies as Providers of Outpatient Physical Therapy and/or Speech Pathology Services; and Conditions for Coverage: Outpatient Physical Therapy Services Furnished by Physical Therapists in Independent Practice

CONDITIONS OF PARTICIPATION: CLINICS, REHABILITATION AGENCIES, AND PUBLIC HEALTH AGENCIES AS PROVIDERS OF OUTPATIENT PHYSICAL THERAPY AND/OR SPEECH PATHOLOGY SERVICES

- Sec.
- 405.1701 Conditions of participation—general.
 - 405.1702 Definitions relating to clinics, rehabilitation agencies, and public health agencies.
 - 405.1715 Condition of participation—compliance with Federal, State, and local laws.
 - 405.1716 Condition of participation—administrative management.
 - 405.1717 Condition of participation—physician's direction and plan of care.
 - 405.1718 Condition of participation—physical therapy services.
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 - 405.1720 Condition of participation—rehabilitation program.
 - 405.1721 Condition of participation—arrangements for physical therapy and speech pathology services to be performed by other than salaried organization personnel.
 - 405.1722 Condition of participation—clinical records.
 - 405.1723 Condition of participation—physical environment.
 - 405.1724 Condition of participation—infection control.
 - 405.1725 Condition of participation—disaster preparedness.
 - 405.1726 Condition of participation—program evaluation.

CONDITIONS FOR COVERAGE: OUTPATIENT PHYSICAL THERAPY SERVICES FURNISHED BY PHYSICAL THERAPISTS IN INDEPENDENT PRACTICE

- 405.1730 Conditions for coverage—services furnished by physical therapists in independent practice—general.

- Sec.
- 405.1731 Definitions relating to physical therapists in independent practice.
 - 405.1732 Condition for coverage—compliance with Federal, State, and local laws.
 - 405.1733 Condition for coverage—physician's direction and plan of care.
 - 405.1734 Condition for coverage—physical therapy services.
 - 405.1735 Condition for coverage—coordination of services with other organizations, agencies, or individuals.
 - 405.1736 Condition for coverage—clinical records.
 - 405.1737 Condition for coverage—physical environment.

AUTHORITY: Secs. 1102, 1861(p), 1871, 49 Stat. 647, as amended, 79 Stat. 321, as amended, 79 Stat. 331, (42 U.S.C. 1302, 1395x(p), 1395hh).

CONDITIONS OF PARTICIPATION: CLINICS, REHABILITATION AGENCIES, AND PUBLIC HEALTH AGENCIES AS PROVIDERS OF OUTPATIENT PHYSICAL THERAPY AND/OR SPEECH PATHOLOGY SERVICES

§ 405.1701 Conditions of participation—general.

(a) In order to participate in the program of health insurance for the aged and disabled as a provider of outpatient physical therapy and/or speech pathology services, a clinic, rehabilitation agency, or public health agency (other than a provider of services as defined in section 1861(u) of the Social Security Act, 42 U.S.C. 1395x(u)) must meet the requirements set forth in section 1861(p)(4) thereof, 42 U.S.C. 1395x(p)(4). This section of the law states a number of specific requirements which must be met by such participating providers and authorizes the Secretary of Health, Education, and Welfare to prescribe by regulation other requirements relating to the health and safety of beneficiaries as may be found necessary.

(b) Section 1861(p) provides in pertinent part as follows:

(p) The term "outpatient physical therapy services" means physical therapy services furnished by a provider of services, a clinic, a rehabilitation agency, or a public health agency, or by others under an arrangement with, and under the supervision of, such provider, clinic, rehabilitation agency, or public health agency to an individual as an outpatient—

excluding, however—

(3) Any item or service if it would not be included under subsection (b) if furnished to an inpatient of a hospital; and

(4) Any such service—

(A) If furnished by a clinic or rehabilitation agency, or by others under arrangements with such clinic or agency, unless such clinic or rehabilitation agency—

(i) Provides an adequate program of physical therapy services for outpatients and has the facilities and personnel required for such program or required for the supervision of such program, in accordance with such requirements as the Secretary may specify.

(ii) Has policies, established by a group of professional personnel, including one or more physicians (associated with the clinic or rehabilitation agency) and one or more qualified physical therapists, to govern the services (referred to in clause (i)) it provides.

- (iii) Maintains clinical records on all patients;
- (iv) If such clinic or agency is situated in a State in which State or applicable local law provides for the licensing of institutions of this nature, (I) is licensed pursuant to such law, or (II) is approved by the agency of such State or locality responsible for licensing institutions of this nature, as meeting the standards established for such licensing; and
- (v) Meets such other conditions relating to the health and safety of individuals who are furnished services by such clinic or agency on an outpatient basis, as the Secretary may find necessary, or
- (B) If furnished by a public health agency, unless such agency meets such other conditions relating to health and safety of individuals who are furnished services by such agency on an outpatient basis, as the Secretary may find necessary.

The term "outpatient physical therapy services" also includes speech pathology services furnished by a provider of services, a clinic, rehabilitation agency, or by a public health agency, or by others under an arrangement with, and under the supervision of, such provider, clinic, rehabilitation agency, or public health agency to an individual as an outpatient, subject to the conditions prescribed in this subsection.

(c) The specific requirements included in the statute and the additional health and safety requirements prescribed by the Secretary are set forth in the following Conditions of Participation for Clinics, Rehabilitation Agencies, and Public Health Agencies as Providers of Outpatient Physical Therapy and/or Speech Pathology Services.

§ 405.1702 Definitions relating to clinics, rehabilitation agencies, and public health agencies.

As used in §§ 405.1715-405.1726, the following definitions apply:

- (a) *Administrator*. A person who has a bachelor's degree and:
- (1) Has experience or specialized training in the administration of health institutions or agencies; or
 - (2) Is qualified and has experience in one of the professional health disciplines.
- (b) *Clinic*. A facility established primarily for the provision of outpatient physicians' services. To meet this definition, an organization must meet the following test of physician participation:
- (1) The medical services of the clinic are provided by a group of physicians (i.e., more than two) practicing medicine together; and
 - (2) A physician is present in the clinic at all times during hours of operation to perform medical services (rather than only administrative services).
- (c) *Organization*. A clinic, rehabilitation agency, or public health agency.
- (d) *Physical therapist*. A person who is licensed as a physical therapist by the State in which he is practicing if the State licenses physical therapists, and
- (1) Has graduated from a physical therapy curriculum approved by the American Physical Therapy Association, or by the Council on Medical Education and Hospitals of the American Medical Association, or jointly by the Council on Medical Education of the American Medical Association and the American Physical Therapy Association; or

- (2) Prior to January 1, 1966:
 - (i) Was admitted to membership by the American Physical Therapy Association; or
 - (ii) Was admitted to registration by the American Registry of Physical Therapists; or
 - (iii) Has graduated from a physical therapy curriculum in a 4-year college or university approved by a State department of education; or
 - (3) Has 2 years of appropriate experience as a physical therapist and has achieved a satisfactory grade on a proficiency examination approved by the Secretary, except that such determinations of proficiency shall not apply with respect to persons initially licensed by a State after December 31, 1977, or seeking qualification as a physical therapist after such date; or
 - (4) (i) Was licensed or registered prior to January 1, 1966, and (ii) Prior to January 1, 1970, had 15 years of full-time experience in the treatment of illness or injury through the practice of physical therapy in which services were rendered under the order and direction of attending and referring physicians; or
 - (5) If trained outside the United States:
 - (i) Was graduated since 1928 from a physical therapy curriculum approved in the country in which the curriculum was located and in which there is a member organization of the World Confederation for Physical Therapy.
 - (ii) Meets the requirements for membership in a member organization of the World Confederation for Physical Therapy.
 - (iii) Has 1 year of experience under the supervision of an active member of the American Physical Therapy Association, and
 - (iv) Has successfully completed a qualifying examination as prescribed by the American Physical Therapy Association.
 - (e) *Physical therapist assistant*. A person who is licensed as a physical therapist assistant by the State in which he is practicing, if the State licenses such assistants, and
 - (1) Has graduated from a 2-year college-level program approved by the American Physical Therapy Association; or
 - (2) Has 2 years of appropriate experience as a physical therapist assistant and has achieved a satisfactory grade on a proficiency examination approved by the Secretary, except that such determinations of proficiency shall not apply with respect to persons initially licensed by a State after December 31, 1977, or seeking initial qualification as a physical therapist assistant after such date.
 - (f) *Psychologist*. A person who:
 - (1) Holds a doctoral degree in psychology from a training program approved by the American Psychological Association; or
 - (2) Has attained certification or licensing by the State, or non-statutory certification by the State psychological association.
 - (g) *Public health agency*. An official agency established by a State or local government, the primary function of

which is to maintain the health of the population served by performing environmental health services, preventive medical services, and in certain cases, therapeutic services.

(h) *Rehabilitation agency*. An agency which provides an integrated multidisciplinary program designed to upgrade the physical function of handicapped, disabled individuals by bringing together as a team specialized rehabilitation personnel. At a minimum, a rehabilitation agency must provide physical therapy or speech pathology services, and a rehabilitation program which in addition to physical therapy or speech pathology services, includes social or vocational adjustment services.

(i) *Social worker*. A person who is licensed by the State in which he is practicing if the State licenses social workers, is a graduate of a school of social work accredited or approved by the Council on Social Work Education, and has 1 year of social work experience in a health-care setting.

(j) *Speech pathologist*. A person who is licensed by the State in which he is practicing, if the State licenses speech pathologists, and

- (1) Is eligible for a certificate of clinical competence in speech pathology granted by the American Speech and Hearing Association under its requirements in effect on the effective date of this provision; or
- (2) Meets the educational requirements for certification, and is in the process of accumulating the supervised experience required for certification.

(k) *Supervision*. Authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within such person's sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity. Unless otherwise stated in this Part 405, such qualified person must be on the premises if the person performing the function or activity does not meet assistant-level qualifications specified in this section.

(l) *Vocational specialist*. A person who has a baccalaureate degree and:

- (1) Two years experience in vocational counseling in a rehabilitation setting such as a sheltered workshop, State employment service agency, etc.; or
- (2) At least 18 semester hours in vocational rehabilitation, educational or vocational guidance, psychology, social work, special education or personnel administration, and 1 year of experience in vocational counseling in a rehabilitation setting; or
- (3) A master's degree in vocational counseling.

§ 405.1715 Condition of participation—compliance with Federal, State, and local laws.

The clinic, rehabilitation agency, or public health agency and its staff are in compliance with all applicable Federal, State, and local laws and regulations.

(a) *Standard: Licensure of organization*. In any State in which State or ap-

applicable local law provides for the licensing of clinics, rehabilitation agencies, or public health agencies; a clinic, rehabilitation agency, or public health agency is licensed pursuant to such law.

(b) *Standard: Licensure or registration of personnel.* Staff of the organization are licensed or registered in accordance with applicable laws.

§ 405.1716 Condition of participation—administrative management.

The clinic or rehabilitation agency has an effective governing body that is legally responsible for the conduct of the clinic or rehabilitation agency, designates an administrator, and establishes administrative policies.

(a) *Standard: Governing body.* There is a governing body (or designated person(s) so functioning) which assumes full legal responsibility for the overall conduct of the clinic or rehabilitation agency and for compliance with applicable laws and regulations. The name of the owner(s) of the clinic or rehabilitation agency is fully disclosed to the State agency. In the case of corporations, the names of the corporate officers are made known.

(b) *Standard: Administrator.* The governing body appoints a qualified full-time administrator and delegates to the administrator the internal operation of the clinic or rehabilitation agency in accordance with established written policies. The administrator's responsibilities for procurement and direction of personnel are clearly defined. A competent individual is authorized to act in the temporary absence of the administrator.

(c) *Standard: Personnel policies.* Personnel practices are supported by appropriate written personnel policies. Personnel records include job descriptions, qualifications, licensure, performance evaluations, and health examinations, and are kept current.

(d) *Standard: Patient care policies.* Patient care practices and procedures are supported by written policies established by a group of professional personnel including one or more physicians associated with the clinic or rehabilitation agency and one or more qualified physical therapists (if physical therapy services are provided) and one or more qualified speech pathologists (if speech pathology services are provided) to govern the outpatient physical therapy and/or speech pathology services and related services which are provided. These policies cover scope of services offered, admission and discharge policies, physician services, patient care plans and methods of implementation, care of patients in an emergency, clinical records, administrative records, use and maintenance of the plant and equipment, and program evaluation. The policies are reviewed at least annually by such group of professional personnel, and revised as necessary based upon this review.

§ 405.1717 Condition of participation—physician's direction and plan of care.

Patients in need of outpatient physical therapy or speech pathology services are accepted for treatment only on the order

of a physician and their care continues under the supervision of a physician who indicates anticipated goals and is responsible for the general medical direction of such services as part of the total care of the patient. For each patient, there is a written plan of care established and periodically reviewed by the physician. The organization has a physician available to furnish necessary medical care in case of emergency.

(a) *Standard: Medical findings and physician's orders.* The following is made available to the organization prior to or at the time of initiation of treatment: (1) The patient's significant past history, (2) Current medical findings, (3) Diagnosis(es), (4) Physician's orders, (5) Rehabilitation goals and potential for their achievement, (6) Contraindications, if any, (7) The extent to which the patient is aware of the diagnosis(es) and prognosis, and (8) Where appropriate, the summary of treatment rendered and results achieved during previous periods of physical therapy or speech pathology services or institutionalization.

(b) *Standard: Plan of care.* For each patient there is a written plan of care prescribed by the physician which indicates anticipated goals and specifies the type, amount, frequency, and duration of physical therapy or speech pathology services. The plan is prescribed by, and is under the supervision of, the patient's attending physician or other physician who is responsible for the supervision and general medical direction of such services as part of the total care of the patient. Where appropriate, the plan is developed in consultation between the physical therapist(s) or speech pathologist(s) and such attending or other physician. The plan of care and results of treatment are reviewed once every 30 days, or more often if required, by the attending or other physician and appropriate professional staff, and the indicated action is taken.

(c) *Standard: Physician supervision of each patient's care.* The organization requires that the health care of every patient is under the supervision of a physician. The patient in need of physical therapy and/or speech pathology services is seen by the physician at least once every 30 days. The organization is responsible for contacting the physician if the patient has not been seen by the physician within a 30-day period. There is evidence in the clinical record of the physician's services at appropriate intervals.

(d) *Standard: Notification of physician.* The attending physician and, where applicable, another responsible physician (see paragraph (b) of this section), is promptly notified of any changes in the patient's condition. If changes are required in the plan of care, such changes are approved by such physician(s) and noted in the clinical record.

(e) *Standard: Availability of physicians for emergency.* The organization provides for one or more physicians to be available on call to furnish necessary medical care in case of emergency. A schedule listing the names and telephone numbers of these physicians and the spe-

cific days each is on call is posted. There are established procedures to be followed by personnel in an emergency which cover immediate care of the patient, persons to be notified, and reports to be prepared.

§ 405.1718 Condition of participation—physical therapy services.

If physical therapy services are offered, the organization provides an adequate program of physical therapy and has an adequate number of qualified personnel and the equipment necessary to carry out its program and to fulfill its objectives.

(a) *Standard: Adequate program.* The organization will be considered to have an adequate outpatient physical therapy program if it can: (1) Provide services utilizing therapeutic exercise and the modalities of heat, cold, water, and electricity; (2) Conduct patient evaluations, and (3) Administer tests and measurements of strength, balance, endurance, range of motion, and activities of daily living. Where a qualified physical therapist is not on the premises during all hours of operation, patients are scheduled in such a manner as to ensure the physical therapist's presence when specific skills are needed (e.g., the evaluation and reevaluation, as needed, of the patient's needs) and to provide appropriate and needed supervision to other personnel providing services. When physical therapy services are provided off the premises of the organization by a physical therapist assistant, a qualified physical therapist shall, at least once every 30 days, make an onsite supervisory visit during the time that services are actually being furnished to evaluate the quality of the assistant's performance.

(b) *Standard: Facilities and equipment.* The organization has the equipment and facilities required to provide the range of services necessary in the treatment of the types of disabilities accepted for service.

(c) *Standard: Personnel qualified to provide physical therapy services.* Physical therapy services are provided by, or under the supervision of, a qualified physical therapist. The number of qualified physical therapists and other qualified personnel is adequate for the volume and diversity of physical therapy services offered. A qualified physical therapist is on the premises or readily available by telephone during the operating hours of the organization.

(d) *Standard: Supportive personnel.* If personnel are available to assist qualified physical therapists in performing physical therapy services and in the performance of other duties that do not require professional knowledge and skill, such personnel are trained in appropriate patient care services by qualified physical therapists who retain responsibility for instruction of supportive personnel and treatment prescribed by the attending physician.

§ 405.1719 Condition of participation—speech pathology services.

If speech pathology services are offered, the organization provides an adequate program of speech pathology and

has an adequate number of qualified personnel and the equipment necessary to carry out its program and to fulfill its objectives.

(a) *Standard: Adequate program.* The organization will be considered to have an adequate outpatient speech pathology program if it can provide the diagnostic and treatment services to effectively treat speech disorders.

(b) *Standard: Facilities and equipment.* The organization has the equipment and facilities required to provide the range of services necessary in the treatment of the types of speech disorders accepted for service.

(c) *Standard: Personnel qualified to provide speech pathology services.* Speech pathology services are given or supervised by a qualified speech pathologist and the number of qualified speech pathologists is adequate for the volume and diversity of speech pathology services offered. At least one qualified speech pathologist is present at all times when speech pathology services are rendered.

§ 405.1720 Condition of participation—rehabilitation program.

At a minimum, a rehabilitation agency provides physical therapy or speech pathology services, and a rehabilitation program which, in addition to physical therapy or speech pathology services, includes social or vocational adjustment services to all patients in need of such services by making provision for special, qualified staff to evaluate the social or vocational factors involved in a patient's rehabilitation, to counsel and advise on social or vocational problems arising from the patient's illness or injury, and to make appropriate referrals for required services.

(a) *Standard: Qualification of staff.* The agency's social or vocational adjustment services are rendered, as applicable, by qualified psychologists, qualified social workers, or qualified professional vocational specialists. Social or vocational adjustment services may be performed by a qualified psychologist or qualified social worker. Vocational adjustment services may be furnished by a qualified vocational specialist.

(b) *Standard: Arrangements for social or vocational services.* If a rehabilitation agency does not provide social or vocational adjustment services through salaried employees, it may provide such adjustment services by means of a written contract with others which provides for retention by the agency of responsibility for, and control and supervision of, such services. The terms of the contract:

(1) Provide that the regimen of social or vocational adjustment services to be furnished is developed in consultation between appropriate professional staff members and the patient's attending physician;

(2) Specify the geographical areas in which the services are to be furnished;

(3) Provide that such services are provided by personnel meeting the qualifications in § 405.1702;

(4) Provide that personnel under contract will participate as needed in con-

ferences required to coordinate patient care;

(5) Provide for the preparation of treatment records and notes, and for the prompt incorporation of such into the clinical records of the agency;

(6) Specify the period of time the contract is to be in effect and the manner of termination or renewal.

§ 405.1721 Condition of participation—arrangements for physical therapy and speech pathology services to be performed by other than salaried organization personnel.

When an organization provides outpatient physical therapy or speech pathology services under an arrangement with others, such services are to be furnished in accordance with the terms of a written contract, which provides for retention by the organization of professional and administrative responsibility for, and control and supervision of, such services.

(a) *Standard: Contract provisions.* The terms of the contract:

(1) Provide that physical therapy or speech pathology services are to be furnished in accordance with the plan of care prescribed by the physician responsible for the patient's care and may be altered in type, amount, frequency, or duration by the physical therapist or speech pathologist only after appropriate consultation with and approval by the physician;

(2) Specify the geographical areas in which the services are to be furnished;

(3) Provide that personnel and services contracted for meet the same requirements as those which would be applicable if the personnel and services were furnished directly by the clinic, rehabilitation agency, or public health agency;

(4) Provide that as needed the physical therapist or speech pathologist (as appropriate) will participate in conferences required to coordinate the care of an individual patient;

(5) Provide for the preparation of treatment records, with progress notes and observations, and for the prompt incorporation of such into the clinical records of the clinic, rehabilitation agency, or public health agency;

(6) Specify the financial arrangements which provide that the contracting outside resource may not bill the patient or the health insurance program for covered services, since pursuant to section 1861(w) of the Act (42 U.S.C. 1395x(w)), covered services furnished under arrangements must be billed through the provider exclusively and receipt of payment by the provider for such services on behalf of an entitled individual discharges the liability of such individual or any other person to pay for such services;

(7) Specify the period of time the contract is to be in effect and the manner of termination or renewal;

(8) Except as provided in paragraph (a) (9) of this section, provide that the services shall be performed in the patient's home, on the premises of the clinic, rehabilitation agency, or public

health agency making the arrangements, or on the premises of an institution which meets the requirements of section 1861(e) (1) or section 1861(j) (1) of the Act; and

(9) In the case of a public health agency (including a public health agency which is certified by the health insurance program as a home health agency), may provide that physical therapy and/or speech pathology services may also be performed on the premises of the supplier of such services but only under the following circumstances:

(i) The public health agency does not have the capacity to provide on its premises all of the (A) Modalities of treatment, tests, and measurements as specified in § 405.1718(a) (in the case of outpatient physical therapy services), or (B) Diagnostic and treatment services as specified in § 405.1719(a) (in the case of outpatient speech pathology services);

(ii) The services provided on the premises of the supplier include those as defined in § 405.1718(a) or § 405.1719(a), as appropriate, which the public health agency cannot provide on its premises, and these services are not provided on an outpatient basis in another accessible participating provider of services;

(iii) Services are provided on the premises of the supplier only in those instances in which the patient's treatment requires the use of a modality or regimen which is not available on the premises of the public health agency;

(iv) The public health agency is responsible for advising the State agency of the name of each supplier with whom it contracts for the provision of services and makes the arrangements necessary in order for the State agency to survey the premises and organization of each supplier of services to determine compliance with applicable regulations; and

(v) A physician or a qualified physical therapist or qualified speech pathologist employed by the public health agency reviews at least every 2 weeks all records of the patients of the public health agency who have been treated on the premises of the supplier.

§ 405.1722 Condition of participation—clinical records.

The organization maintains clinical records on all patients in accordance with accepted professional standards and practices. The clinical records are completely and accurately documented, readily accessible, and systematically organized to facilitate retrieving and compiling information.

(a) *Standard: Protection of clinical record information.* The organization recognizes the confidentiality of and safeguards clinical record information against loss, destruction, or unauthorized use. Written procedures govern use and removal of records and conditions for release of information. The patient's written consent is required for release of information not authorized by law.

(b) *Standard: Content.* The clinical record contains sufficient information to identify the patient clearly, to justify the diagnosis(es) and treatment, and to

document the results accurately. All clinical records contain the following general categories of data: documented evidence of assessment of the needs of the patient, or establishment of an appropriate plan of care and of the care and services provided, identification data and consent forms, medical history, nursing history, if any, report of physical examination(s), therapeutic orders, observations and progress notes, reports of treatments and clinical findings, and discharge summary including final diagnosis(es) and prognosis.

(c) *Standard: Completion of records and centralization of reports.* Current clinical records and those of discharged patients are completed promptly. All clinical information pertaining to a patient is centralized in the patient's clinical record. Each physician's entries into the clinical record are signed by the appropriate physician.

(d) *Standard: Retention and preservation.* Clinical records are retained for a period of time not less than:

(1) That determined by the respective State statute, or the statute of limitations in the State, or

(2) In the absence of a State statute:

(i) Five years after the date of discharge, or (ii) In the case of a minor, 3 years after the patient becomes of age under State law or 5 years after the date of discharge, whichever is longer.

(e) *Standard: Indexes.* Clinical records are indexed according to name of patient and final diagnosis(es) to facilitate acquisition of statistical medical information and retrieval of records for research or administrative action.

(f) *Standard: Location and facilities.* The organization maintains adequate facilities and equipment, conveniently located, to provide efficient processing of clinical records (reviewing, indexing, filing, and prompt retrieval).

§ 405.1723 Condition of participation—physical environment.

The building housing the organization is constructed, equipped, and maintained to protect the health and safety of patients, personnel, and the public and provides a functional, sanitary, and comfortable environment.

(a) *Standard: Safety of patients.* The organization satisfies the following requirements:

(1) It complies with all applicable State and local codes governing construction.

(2) Permanently attached automatic fire-extinguishing systems of adequate capacity are installed in all areas of the organization considered to have special fire hazards. Fire extinguishers are conveniently located on each floor of the organization. Fire regulations are prominently posted.

(3) Doorways, passageways and stairwells negotiated by patients are: (i) Of adequate width to allow for easy movement of all patients (including those on stretchers or in wheelchairs), (ii) free from obstruction at all times, and (iii) in the case of stairwells, equipped with firmly attached handrails on at least one side.

(4) Corridors used by patients who are receiving physical therapy are equipped with firmly secured handrails on both sides.

(5) An emergency power source covers the fire alarm system, and the lights at exits and in corridors used by patients.

(6) At least two persons are on duty on the premises of the organization whenever a patient is being treated.

(7) No occupancies or activities undesirable or injurious to the health and safety of patients are located in the building.

(b) *Standard: Maintenance of equipment, building, and grounds.* The organization establishes a written preventive-maintenance program to ensure:

(1) That equipment is operative, and

(2) That the interior and exterior of the building are clean and orderly and maintained free of any defects which are a potential hazard to patients, personnel, and the public.

(c) *Standard: Other environmental considerations.* The organization provides a functional, sanitary, and comfortable environment for patients, personnel, and the public:

(1) Provision is made for adequate and comfortable lighting levels in all areas; limitation of sounds at comfort levels; a comfortable room temperature; and adequate ventilation through windows, mechanical means, or a combination of both.

(2) Toilet rooms, toilet stalls, and lavatories are accessible and constructed so as to allow utilization by nonambulatory and semiambulatory individuals.

(3) Whatever the size of the building, there is an adequate amount of space for the services provided and disabilities treated, including reception area, staff space, examining room, treatment areas, and storage.

§ 405.1724 Condition of participation—infection control.

The organization establishes an infection-control committee of representative professional staff with responsibility for overall infection control. All necessary housekeeping and maintenance services are provided to maintain a sanitary and comfortable environment and to help prevent the development and transmission of infection.

(a) *Standard: Infection-control committee.* The infection-control committee establishes policies and procedures for investigating, controlling, and preventing infections in the organization and monitors staff performance to ensure that the policies and procedures are executed.

(b) *Standard: Aseptic and isolation techniques.* Written effective procedures in aseptic techniques are followed by all personnel. Procedures are reviewed and revised annually for effectiveness and improvement.

(c) *Standard: Housekeeping.* The organization employs sufficient housekeeping personnel and provides all necessary equipment to maintain a safe, clean, and orderly interior. A full-time employee is designated as the one responsible for the housekeeping services and for supervision and training of such personnel. An

organization that has a contract with an outside resource for housekeeping services may be found to be in compliance with this standard provided the organization and/or outside resource meets the requirements of the standard.

(d) *Standard: Linen.* The organization has available at all times a quantity of linen essential for proper care and comfort of patients. Linens are handled, stored, processed, and transported in such a manner as to prevent the spread of infection.

(e) *Standard: Pest control.* The organization is maintained free from insects and rodents through operation of a pest-control program.

§ 405.1725 Condition of participation—disaster preparedness.

The organization has a written plan, periodically rehearsed, with procedures to be followed in the event of an internal or external disaster and for the care of casualties (patients and personnel) arising from such disasters.

(a) *Standard: Disaster plan.* The organization has an acceptable written plan in operation, with procedures to be followed in the event of fire, explosion, or other disaster. The plan is developed and maintained with the assistance of qualified fire, safety, and other appropriate experts, and includes:

(1) Procedures for prompt transfer of casualties and records,

(2) Instructions regarding the location and use of alarm systems and signals and of firefighting equipment,

(3) Information regarding methods of containing fire,

(4) Procedures for notification of appropriate persons, and

(5) Specifications of evacuation routes and procedures.

(b) *Standard: Staff training and drills.* All employees are trained, as part of their employment orientation, in all aspects of preparedness for any disaster. The disaster program includes orientation and ongoing training and drills for all personnel in all procedures so that each employee promptly and correctly carries out his assigned role in case of a disaster.

§ 405.1726 Condition of participation—program evaluation.

The organization has procedures which provide for a systematic evaluation of its total program to assure appropriate utilization of services and to determine whether the organization's policies are followed in providing services to patients through employees or under arrangements with others.

(a) *Standard: Clinical-record review.* A sample of active and closed clinical records is reviewed quarterly by the appropriate health professionals to assure that established policies are followed in providing services.

(b) *Standard: Annual statistical evaluation.* An evaluation is conducted annually of such statistical data as number of different patients treated, number of patient visits, condition on admission and discharge, results achieved, number of new patients, number of patients by diagnosis(es), sources of referral, num-

ber and cost of units of service by treatment given, and total staff days or work hours by discipline.

CONDITIONS FOR COVERAGE: OUTPATIENT PHYSICAL THERAPY SERVICES FURNISHED BY PHYSICAL THERAPISTS IN INDEPENDENT PRACTICE

§ 405.1730 Conditions for coverage—services furnished by physical therapists in independent practice—general.

(a) In order to be covered under the program of health insurance for the aged and disabled as a supplier of outpatient physical therapy services, a physical therapist in independent practice must meet State licensure and requirements set forth in section 1861(p)(4) of the Act, 42 U.S.C. 1395x(p)(4), and other requirements established pursuant to this provision. This section of the law states specific requirements which must be met by such suppliers and authorizes the Secretary of Health, Education, and Welfare to prescribe by regulation other requirements relating to the health and safety of beneficiaries as may be found necessary.

(b) Section 1861(p) provides in pertinent part as follows:

(p) The term "outpatient physical therapy services" means physical therapy services rehabilitation agency, or a public health agency, or by others under an arrangement with, and under the supervision of, such provider, clinic, rehabilitation agency, or public health agency to an individual as an outpatient—

The term "outpatient physical therapy services" also includes physical therapy services furnished an individual by a physical therapist (in his office or in such individual's home) who meets licensing and other standards prescribed by the Secretary in regulations, otherwise than under an arrangement with and under the supervision of a provider of services, clinic, rehabilitation agency, or public health agency, if the furnishing of such services meets such conditions relating to health and safety as the Secretary may find necessary * * *

(c) The requirements included in the statute and the additional health and safety requirements prescribed by the Secretary are set forth in the Conditions for Coverage for Outpatient Physical Therapy Services Furnished By Physical Therapists in Independent Practice (see §§ 405.1732-405.1737).

§ 405.1731 Definitions relating to physical therapists in independent practice.

As used in §§ 405.1732-405.1737, the following definitions apply:

(a) *Physical therapist.* A person who is licensed as a physical therapist by the State in which he is practicing if the State licenses physical therapists, and

(1) Has graduated from a physical therapy curriculum approved by the American Physical Therapy Association, or by the Council on Medical Education and Hospitals of the American Medical Association, or jointly by the Council on Medical Education of the American Medical Association and the American Physical Therapy Association; or

(2) Prior to January 1, 1966:

(i) Was admitted to membership by the American Physical Therapy Association, or

(ii) Was admitted to registration by the American Registry of Physical Therapists, or

(iii) Has graduated from a physical therapy curriculum in a 4-year college or university approved by a State department of education; or

(3) Has 2 years of appropriate experience as a physical therapist and has achieved a satisfactory grade on a proficiency examination approved by the Secretary except that such determinations of proficiency shall not apply with respect to persons initially licensed by a State after December 31, 1977, or seeking qualification as a physical therapist after such date; or

(4) (i) Was licensed or registered prior to January 1, 1966, and

(ii) Prior to January 1, 1970, had 15 years of full-time experience in the treatment of illness or injury through the practice of physical therapy in which services were rendered under the order and direction of attending and referring physicians; or

(5) If trained outside the United States:

(i) Was graduated since 1928 from a physical therapy curriculum approved in the country in which the curriculum was located and in which there is a member organization of the World Confederation for Physical Therapy,

(ii) Meets the requirements for membership in a member organization of the World Confederation for Physical Therapy,

(iii) Has 1 year of experience under the supervision of an active member of the American Physical Therapy Association, and

(iv) Has successfully completed a qualifying examination as prescribed by the American Physical Therapy Association.

(b) *Physical therapist in independent practice.* A person who is licensed as a physical therapist by the State in which he is practicing, meets one of the qualification requirements in paragraph (a) of this section, and furnishes services under the circumstances described in § 405.232(e)(2)(ii).

(c) *Supervision.* The presence, at all times, of a qualified physical therapist when physical therapy services are rendered in the physical therapist's office or in the patient's place of residence.

§ 405.1732 Condition for coverage—compliance with Federal, State, and local laws.

The physical therapist in independent practice and staff, if any, are in compliance with all applicable Federal, State, and local laws and regulations.

(a) *Standard: Licensure of facility.* In any State in which State or applicable local law provides for the licensing of the facility of a physical therapist, such facility is:

(1) Licensed pursuant to such law; or

(2) If not subject to licensure, is approved (by the agency of such State or locality responsible for licensing) as meeting the standards established for such licensing.

(b) *Standard: Licensure or registration of personnel.* The physical therapist in independent practice and staff, if any, are licensed or registered in accordance with applicable laws.

§ 405.1733 Condition for coverage—physician's direction and plan of care.

Patients in need of outpatient physical therapy services are accepted for treatment by the physical therapist in independent practice only on the order of a physician. Their care continues under the supervision of a physician who indicates anticipated goals and is responsible for the general medical direction of such services as part of the total care of the patient. For each patient, there is a written plan of care established and periodically reviewed by the physician.

(a) *Standard: Medical findings and physician's orders.* The following is made available to the physical therapist, prior to or at the time of initiation of treatment:

(1) The patient's significant past history,

(2) Current medical findings,

(3) Diagnosis(es),

(4) Physician's orders,

(5) Rehabilitation goals and potential for their achievement,

(6) Contraindications, if any,

(7) The extent to which the patient is aware of the diagnosis(es) and prognosis, and

(8) Where appropriate, the summary of treatment rendered and results achieved during previous periods of physical therapy services or institutionalization.

(b) *Standard: Plan of care.* For each patient there is a written plan of care prescribed by the physician which indicates anticipated goals and specifies the type, amount, frequency, and duration of physical therapy services. Where appropriate, the plan is developed in consultation between the physical therapist and the patient's attending physician. The plan of care and results of treatment are reviewed once every 30 days, or more often if required, by the attending physician and the physical therapist; and the indicated action is taken.

(c) *Standard: Supervision by physician.* Patients are seen by a physician at least once every 30 days. The physical therapist is responsible for contacting the physician if the patient has not been seen by the physician within a 30-day period. Physician supervision at appropriate intervals is evident from the clinical record.

(d) *Standard: Notification of physician.* The attending physician is promptly notified of any changes in the patient's condition. If changes are required in the plan of care, such changes are approved by such physician and noted in the clinical record.

§ 405.1734 Condition for coverage—physical therapy services.

The physical therapist in independent practice provides an adequate program of physical therapy services and has the facilities and equipment necessary to carry out the services offered.

(a) *Standard: Adequate program.* The physical therapist will be considered to have an adequate physical therapy program when services can be provided, utilizing therapeutic exercise and the modalities of heat, cold, water, and electricity; patient evaluations are conducted; and tests and measurements of strength, balance, endurance, range of motion, and activities of daily living are administered.

(b) *Standard: Supervision of physical therapy services.* Physical therapy services are provided by, or under the supervision of, a qualified physical therapist.

§ 405.1735 Condition for coverage—coordination of services with other organizations, agencies, or individuals.

The physical therapy services provided by the physical therapist in independent practice are coordinated with the health and medical services provided to the patient by organizations, agencies, or individuals.

(a) *Standard: Exchange of clinical records and reports.* When a patient is receiving or has recently received health and medical services from providers, organizations, physicians, or others that are related to any may involve the physical therapy program, the physical therapist shall, on a regular basis, exchange with such providers, organizations, physicians, or others in accordance with § 405.1736(a) documented information which has a bearing on the patient's health and welfare so as to ensure that services effectively complement one another.

§ 405.1736 Condition for coverage—clinical records.

The physical therapist in independent practice maintains clinical records on all patients in accordance with accepted professional standards and practices. The clinical records are completely and accurately documented, readily accessible,

and systematically organized to facilitate retrieving and compiling information.

(a) *Standard: Protection of clinical record information.* Clinical-record information is recognized as confidential and is safeguarded against loss, destruction, or unauthorized use. Written procedures govern use and removal of records and include conditions for release of information. A patient's written consent is required for release of information not authorized by law.

(b) *Standard: Content.* The clinical record contains sufficient information to identify the patient clearly, to justify the diagnosis(es) and treatment, and to document the results accurately. All clinical records contain the following general categories of data:

(1) Documented evidence of assessment of the needs of the patient, of establishment of an appropriate plan of care, and of the care and services provided;

(2) Identification data and consent forms;

(3) Medical history;

(4) Nursing history, if any;

(5) Report of physical examination(s);

(6) Therapeutic orders;

(7) Observations and progress notes;

(8) Reports of treatments and clinical findings; and

(9) Discharge summary including final diagnosis(es) and prognosis.

(c) *Standard: Completion of records and centralization of reports.* Current clinical records and those of discharged patients are completed promptly. All clinical information pertaining to a patient is centralized in the patient's clinical record. Each physician's entries into the clinical record are signed by the appropriate physician.

(d) *Standard: Retention and preservation.* Clinical records are retained for a period of time not less than:

(1) That determined by the respective State statute or the statute of limitations in the State; or

(2) In the absence of a State statute: (i) 5 years after the date of discharge or, (ii) in the case of a minor, 3 years after the patient becomes of age under State law, or 5 years after the date of discharge, whichever is longer.

(e) *Standard: Indexes.* Clinical records are indexed according to name of patient and final diagnosis(es) to facilitate acquisition of statistical clinical information and retrieval of records for administrative action.

§ 405.1737 Condition for coverage—physical environment.

The physical environment of the office and/or facility of the physical therapist in independent practice affords a functional, sanitary, safe, and comfortable surrounding for patients, personnel, and the public.

(a) *Standard: Building construction.* The construction of the building housing the physical therapy office meets all applicable State and local building, fire, and safety codes.

(b) *Standard: Maintenance of the physical therapy office and equipment.* There is established a written preventive-maintenance program to ensure that equipment is operative and that the physical therapy office is clean and orderly. All essential mechanical, electrical, and patient-care equipment is maintained in safe operating condition.

(c) *Standard: Other environmental considerations.* Provision is made for adequate and comfortable lighting levels in all areas; limitation of sounds at comfort levels; a comfortable room temperature; and adequate ventilation through windows, mechanical means, or a combination of both. The building housing the physical therapy office is accessible to, and functional for, patients, personnel, and the public. Written effective procedures in aseptic techniques are followed by all personnel and such procedures are reviewed annually, and when necessary, revised.

(d) *Standard: Emergency procedures.* The physical therapist is aware of the possibility of the occurrence of fire and other non-medical emergencies and has documented: (1) A means of providing for safe patient egress from the physical therapy office and the building housing the office, such means being demonstrated by fire exit signs, etc., and (2) Other such provisions necessary to ensure the safety of patients.

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PART IV



OFFICE OF MANAGEMENT AND BUDGET

■

RESCISSIONS AND DEFERRALS

Cumulative Report of Fiscal Year 1975

**OFFICE OF MANAGEMENT AND
BUDGET**
**CUMULATIVE REPORT OF FISCAL YEAR
1975**

Rescissions and Deferrals June 1975

This report is submitted in fulfillment of the requirements of section 1014(e) of the Congressional Budget and Impoundment Control Act of 1974 (Pub. L. 93-344). Section 1014(e) provides for a monthly report listing all budget authority with respect to which, as of the first day of such month, a special message has been transmitted to the Congress. This report includes those rescissions and deferrals contained in the eleven special messages transmitted to the Congress since July 12, 1974, the date on which the Act was signed into law.

Rescissions (Attachment A). The following table summarizes the status of rescissions proposed by the President as of June 1, 1975.

Status of presidential rescission requests¹

[In millions of dollars]

	Proposed for rescission	Rescinded
Action completed:		
Public Law 93-529.....	672.2	131.5
Public Law 94-14.....	685.3	243.4
Public Law 94-15.....	1,097.5	16.5
Total considered.....	2,454.9	391.3
Pending before the Congress:		
Special message No. 9.....	31.0	
Special message No. 10.....	238.3	
Special message No. 11.....	28.0	
Total pending.....	3267.3	

¹ Excludes deferrals reported by the Comptroller General to be rescissions. Actions on these items are considered in the deferrals sections of this report.

² Total does not add due to rounding.

³ Includes \$1 million not yet considered by the Congress, but currently available. See R75-82 in attachment A.

Attachment A to this report shows the status as of June 1, 1975, of each rescission proposed by the President. In several cases, funds were, as required, made available following the expiration of 45 days of continuous Congressional session but were subsequently rescinded. In these cases, the releases are shown in brackets under the columns "Amount Made Available" and "Date Made Available" and the subsequent rescissions appear on the following line under the columns "Amounts Rescinded" and "Date Rescission Act Signed".

The status of deferrals reported by the Comptroller General to be rescissions is shown in Attachment B to the report.

Deferrals (Attachment B). As of June 1, 1975, the cumulative total of deferrals reported in the eleven special messages is \$25,333 million. This total contains the \$24,839 million appearing in the column entitled "Amount Transmitted in Special Message, Current". In addition, this total also contains \$494 million of the amounts appearing in the column entitled "Amount Transmitted in Special Message, Superseded". This \$494 million reflects deferrals which were subsequently superseded by events, e.g., in some cases, enacted appropriations nullified deferrals under the continuing resolution; in others, deferred amounts were later incorporated in proposed rescissions.

Of this cumulative total of \$25,333 million reported as deferred, Congress had, as of June 1, completed action overturning \$9,318 million in deferrals in sixteen impoundment resolutions. These resolutions, together with other actions—releases by the Executive Branch as well as other adjustments—bring the total deferred as of June 1 to \$5,030 million.¹

Ruling by the Attorney General. The Attorney General has ruled that several withholdings reported in special messages are not subject to Congressional ratification or disapproval under the Impoundment Control Act since they were concluded before the Act became effective on July 12, 1974. These items, marked by asterisks, are included in the report to provide more complete information on the status of withheld funds.

Information from special messages. The eleven special messages containing information on each of the rescissions and deferrals covered by the cumulative report are contained in the FEDERAL REGISTERS of:

Monday, September 23, 1974 (Vol. 39, No. 185, Part III), Tuesday, October 8, 1974 (Vol. 39, No. 196, Part V), Tuesday, November 5, 1974 (Vol. 39, No. 214, Part III), Tuesday, November 19, 1974 (Vol. 39, No. 224, Part III), Thursday, December 5, 1974 (Vol. 39, No. 235, Part IV), Wednesday, January 8, 1975 (Vol. 40, No. 5, Part IV), Thursday, February 6, 1975 (Vol. 40, No. 26, Part III), Friday, April 25, 1975 (Vol. 40, No. 81, Part IV), and Friday, May 16, 1975 (Vol. 40, No. 96, Part I).

JAMES T. LYNN,
Director.

STATUS OF RESCISSIONS
FISCAL YEAR 1975
(Amounts in thousands)

As of June 1, 1975

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available 1/	Date Made Available
<u>Executive Office of the President</u>							
Special Action Office for Drug Abuse Programs	[R75-45]	[2,760]	[11-26-74]	-2,760	08-08-75	[2,760]	[03-01-75]
Pharmacological Research							
Special Fund for Drug Abuse	[R75-46]	[2,240]	[11-26-74]	-2,240	08-08-75	[2,240]	[03-01-75]
<u>Funds Appropriated to the President</u>							
Appalachian Regional Development Commission	[R75-1]	[40,000*]	[09-20-74]				
Appalachian Regional Development Programs	[R75-1A]	[40,000]	[11-13-74]	-40,000	12-21-74		
<u>Department of Agriculture</u>							
Extension Service:							
Extension service	[R75-47]	[3,200]	[01-30-75]			3,200	03-17-75
Farmers Home Administration:							
Rural Development Grants	[R75-50]	[3,750]	[01-30-75]			3,750	03-17-75
Rural Community Fire Protection Grants	[R75-51]	[3,500]	[01-30-75]			3,500	03-17-75

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Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available 1/	Date Made Available
Agricultural Stabilization and Conservation Service Agricultural Conservation Program (SAP)	[R75-3]	[85,000*]2/	[10-04-74]				
	[R75-48]	[156,250]	[01-30-75]			156,250	03-17-75
	[R75-8]	[11,213]	[11-26-74]				
	[R75-8A]	[21,213]	[01-30-75]	-7,856	04-08-75	[11,213] [10,000] 13,357	[03-01-75] [03-17-75]
Water Bank Act Program							
Rural Electrification Administration Loans*	[R75-2]	[455,635*]	[09-20-74]			455,635	12-11-74
Forest Service Cooperation in Forest Fire Control	[R75-9]	[4,921]	[11-26-74]			4,921	03-01-75
Reforestation and Stand Improvement	[R75-10]	[10,000]	[11-26-74]			10,000	03-01-75
Forest Roads and Trails and Roads and Trails for State National Forest Fund	[R75-4]	[63,553*]	[10-04-74]				
	[R75-4A]	[61,611]	[11-13-74]	-61,611	12-21-74		
Forestry Incentive Programs	[R75-49]	[25,000]	[01-30-75]	-10,000	04-08-75	[25,000] 15,000	[03-17-75]
Department of Commerce Social and Economic Statistics Administration Salaries and Expenses	[R75-11]	[373]	[11-26-74]	-373	04-08-75	[373]	[02-28-75]
Economic Development Administration Economic Development Assistance Programs	[R75-12]	[2,000]	[11-26-74]			2,000	02-28-75

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available 1/	Date Made Available
Domestic and International Business Administration Financial and Technical Assistance	[R75-13]	[12,000]	[11-26-74]	-12,000	04-08-75	[12,000]	[03-01-75]
United States Travel Service Salaries and Expenses	[R75-14]	[250]	[11-26-74]	-250	04-08-75	[250]	[03-01-75]
Inter-American Cultural and Trade Center	[R75-52]	[5,000]	[01-30-75]	-5,000	04-08-75	[5,000]	[03-14-75]
National Oceanic and Atmospheric Administration Operations, Research and Facilities	[R75-15]	[500]	[11-26-74]				
	[R75-15A]	[3,227]	01-30-75	-927	04-08-75	[500] [2,727] 2,300	[03-01-75] [03-17-75]
Patent Office Salaries and Expenses	[R75-16]	[700]	[11-26-74]	-700	04-08-75	[700]	[03-01-75]
Department of Defense, Military Operation and Maintenance Army	[R75-17]	[41,000]	[11-26-74]	-20,500	04-08-75	[41,000] 20,500	[03-01-75]
Navy	[R75-18]	[27,500]	[11-26-74]	-13,750	04-08-75	[27,500] 13,750	[03-01-75]
Marine Corps	[R75-19]	[5,000]	[11-26-74]	-2,500	04-08-75	[5,000] 2,500	[03-01-75]
Air Force	[R75-20]	[40,000]	[11-26-74]	-20,000	04-08-75	[40,000] 20,000	[03-01-75]
Defense Agencies	[R75-21]	[1,900]	[11-26-74]	-950	04-08-75	[1,900] 950	[03-01-75]

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available 1/	Date Made Available
Army Reserve	[R75-22]	[1,800]	[11-26-74]	-900	04-08-75	[1,800] 900	[03-01-75]
Navy Reserve	[R75-23]	[1,100]	[11-26-74]	-550	04-08-75	[1,100] 550	[03-01-75]
Air Force Reserve	[R75-24]	[400]	[11-26-74]	-200	04-08-75	[400] 200	[03-01-75]
Army National Guard	[R75-25]	[1,400]	[11-26-74]	-700	04-08-75	[1,400] 700	[03-01-75]
Air National Guard	[R75-26]	[500]	[11-26-74]	-250	04-08-75	[500] 250	[03-01-75]
Aircraft Procurement Army	[R75-27] [R75-27A]	[13,500] [5,700]	[11-26-74] [01-30-75]			5,700	03-01-75
Air Force	[R75-28] [R75-28A]	[248,000] [152,500]	[11-26-74] [01-30-75]	-122,900	04-08-75	[152,500] 29,600	[03-01-75]
Special Foreign Currency Program, 1973/1975	[R75-53]	[915]	[01-30-75]	-915	04-08-75	[915]	[03-17-75]
Special Foreign Currency Program, 1974/1975	[R75-54]	[40]	[01-30-75]	-40	04-08-75	[40]	[03-17-75]
Department of Health, Education and Welfare Health Services Administration: Health Services	[R75-55] R75-83	[25,681] 1,623	[01-30-75] 04-18-75			25,681	03-17-75
Center for Disease Control: Preventive Health Services	[R75-56]	[9,805]	[01-30-75]			9,805	03-17-75
National Institutes of Health: National Cancer Institute	[R75-57]	[123,006]	[01-30-75]			123,006	03-17-75

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Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available 1/	Date Made Available
National Heart and Lung Institute	[R75-58]	[37,730]	[01-30-75]			37,730	03-17-75
National Institute of Dental Research	[R75-59]	[7,489]	[01-30-75]			7,489	03-17-75
National Institute of Arthritis, Metabolism, and Digestive Diseases	[R75-60]	[28,473]	[01-30-75]			28,473	03-17-75
National Institute of Neurological Diseases and Stroke	[R75-61]	[30,283]	[01-30-75]			30,283	03-17-75
National Institute of Allergy and Infectious Diseases	[R75-62]	[13,975]	[01-30-75]			13,975	03-17-75
National Institute of General Medical Sciences	[R75-63]	[30,794]	[01-30-75]			30,794	03-17-75
National Institute of Child Health and Human Development	[R75-64]	[23,978]	[01-30-75]			23,978	03-17-75
National Eye Institute	[R75-65]	[6,512]	[01-30-75]			6,512	03-17-75
National Institute of Environmental Health Sciences	[R75-66]	[6,922]	[01-30-75]			6,922	03-17-75
Research Resources	[R75-67]	[40,560]	[01-30-75]			40,560	03-17-75
Fogarty International Center	[R75-68]	[1,020]	[01-30-75]			1,020	03-17-75
National Library of Medicine	[R75-69]	[385]	[01-30-75]			385	03-17-75
Alcohol, Drug Abuse and Mental Health Administration: Alcohol, Drug Abuse and Mental Health	[R75-70]	[103,894]	[01-30-75]			103,894	03-17-75
Alcohol, Drug Abuse and Mental Health	R75-84	14,250	04-18-75				

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Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available 1/	Date Made Available
Health Resources Administration: Health Resources	[R75-71]	[25,477]	[01-30-75]			25,477	03-17-75
DC Medical Facilities Construction	R75-85	2,000	04-18-75				
Health Manpower/Health Facilities	R75-86	220,450	04-18-75				
Health Services Planning and Development	[R75-29]	[372,466]	[11-26-74]				
	[R75-29A]	[284,719]	[01-30-75]			284,719	02-07-75
Office of Education: Elementary and Secondary Education	[R75-72]	[35,856]	[01-30-75]			35,856	03-17-75
Education for the Handicapped	[R75-73]	[102,500]	[01-30-75]			102,500	03-17-75
Occupational, Vocational and Adult Education	[R75-74]	[39,712]	[01-30-75]			39,712	03-17-75
Higher Education	[R75-75]	[58,300]	[01-30-75]			58,300	03-17-75
Library Resources	[R75-76]	[49,433]	[01-30-75]			49,433	03-17-75
Social and Rehabilitation Services: Public Assistance	[R75-77]	[12,900]	[01-30-75]			12,900	03-17-75
Rehabilitation Services	[R75-78]	[29,848]	[01-30-75]			29,848	03-17-75
Office of Human Development: Human Development	[R75-79]	[41,582]	[01-30-75]			41,582	03-17-75
Department of Housing and Urban Development: Housing Production and Mortgage Credit College Housing*	[R75-5]	[14,518*]	[10-04-74]	-14,518	12-21-74		

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Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available 1/	Date Made Available
<u>Department of the Interior</u>							
<u>Bureau of Land Management</u>							
Public Lands Development Roads and Trails	[R75-6]	[4,891*]	[10-04-74]				
	[R75-6A]	[4,891]	[11-13-74]	-4,891	12-21-74		
<u>National Park Service</u>							
Road Construction	[R75-7]	[14,000]	[10-04-74]				
	[R75-7A]	[10,461]	[11-13-74]	-10,461	12-21-74		
<u>Department of Justice</u>							
<u>Federal Bureau of Investigation</u>							
Salaries and Expenses	[R75-30]	[5,300]	[11-26-74]			5,300	03-01-75
<u>Immigration and Naturalization Service</u>							
Salaries and Expenses	[R75-31]	[1,300]	[11-26-74]			1,300	03-01-75
<u>Bureau of Prisons</u>							
Salaries and Expenses	[R75-32]	[5,250]	[11-26-74]	-5,250	04-08-75	[5,250]	[03-01-75]
<u>Buildings and Facilities</u>							
	[R75-33]	[1,750]	[11-26-74]	-1,750	04-08-75	[1,750]	[03-01-75]
<u>Drug Enforcement Administration</u>							
Salaries and Expenses	[R75-34]	[2,400]	[11-26-74]	-2,400	04-08-75	[2,400]	[03-01-75]
<u>Department of Labor</u>							
<u>Manpower Administration</u>							
Community Service							
Employment: For Older Americans	[R75-80]	[12,000]	[01-30-75]			12,000	03-17-75

NOTICES

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available 1	Date Made Available
<u>Department of State</u>							
International Organizations and Conferences Contributions to International Organizations	[R75-35]	[2,000]	[11-26-74]	-2,000	04-08-75	[2,000]	[03-01-75]
<u>International Trade Negotiations</u>	[R75-36]	[100]	[11-26-74]	-100		[100]	[03-01-75]
<u>Department of Transportation</u>							
Federal Highway Administration:							
Railroad-Highway Demonstration Projects	[R75-82]	[1,000] [10,443] 3/	[04-18-75]			1,000 [10,443] 3/	04-25-75 6/
<u>Department of Treasury</u>							
Office of the Secretary							
Salaries and Expenses	[R75-37]	[310]	[11-26-74]	-310	04-08-75	[310]	[03-01-75]
<u>Federal Law Enforcement Training Centers</u>							
Salaries and Expenses	[R75-38]	[60]	[11-26-74]	-60	04-08-75	[60]	[03-01-75]
<u>Bureau of Accounts</u>							
Salaries and Expenses	[R75-39]	[630]	[11-26-74]	-630	04-08-75	[630]	[03-01-75]
<u>U.S. Customs Service</u>							
Salaries and Expenses	[R75-40]	[3,000]	[11-26-74]			3,000	03-01-75
<u>Internal Revenue Service</u>							
Salaries and Expenses	[R75-41]	[530]	[11-26-74]	-530	04-08-75	[530]	[03-01-75]
<u>Accounts, Collection and Taxpayer Service</u>							
Compliance	[R75-42] [R75-43]	[9,230] [10,240]	[11-26-74] [11-26-74]			9,230 10,240	03-01-75 03-01-75

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available 1/	Date Made Available
General Services Administration Public Buildings Service Federal Buildings Fund	[R75-44]	[20,023]	[11-26-74]	-20,023	04-08-75	[20,023]	[03-01-75]
Other Independent Agencies Community Services Administration: Community Services Program	R75-87	28,000	05-08-75				
Consumer Product Safety Commission: Salaries and Expenses	[R75-81]	[1,709]	[01-30-75]	-500	04-08-75	[1,709] 1,209	[03-17-75]
TOTAL		266,323		391,295		1,979,626 5/	

1/ All amounts listed, except for the RFA loans item released on 12-11-74, were released as a result of the expiration of the 45-day period. In several cases, Congress rescinded amounts after the funds were released following the expiration of the 45-day period.

2/ Contract Authority lapsed December 31, 1974. Not included in the above Attachment A totals.

3/ Transfer authority.

4/ On February 28, 1975, the Comptroller General reported to the Congress that the Executive Branch was remiss in not having reported this item as a proposed rescission. Although this item was subsequently reported to the Congress in the ninth special message, the 45-day period expired April 25, 1975 and the funds have been made available for obligation.

5/ Excludes \$10,443 in transfer authority identified in R75-82.

ATTACHMENT B

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Funds Appropriated to the President

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded Current	Date of Action	Releases resulting from Subsequent Actions Taken by OMS/Agency House Senate	Adjustments	Amount Deferred as of 06-01-75
Foreign Assistance						
Foreign Military						
Credit Sales, 1975	D75-161	71,930	05-08-75			71,930
Agency for International Development						
Prototype Desalting Plant, Economic Assistance*	D75-19	20,000*	10-04-74			20,000
TOTAL		91,930				91,930

Agency: Department of Agriculture

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Date of Action	Releases resulting from Subsequent Actions Taken by OMB/Agency House	Senate	Adjustments	Amount Deferred as of 06-01-75
Agricultural Research Service							
Agricultural Research Service (Construction)	D75-11	[770]	09-20-74 04-18-75			-770 1/	0
	D75-11A		770 04-18-75				770
Foreign Agriculture Service							
Special Foreign Currency Program*	D75-20		2,516* 10-08-74				2,516
	D75-21	[5,000]	10-08-74 01-30-75			-5,000 1/	0
Agricultural Stabilization and Conservation Service							
Emergency Conservation Measures	D75-21A		11,688 01-30-75				11,688
	D75-139		1,266 01-30-75 03-17-75	-1,266			0
Water Bank Program							
Agricultural Marketing Service	D75-22	[903*]	10-08-74 01-30-75			-903 1/	0
	D75-22A		1,459 01-30-75				1,459
Perishable Agricultural Commodities Act Fund	D75-23	[341*]	10-08-74 01-30-75			-341 1/	0
	D75-23A		511 01-30-75				511
Forest Service							
Youth Conservation Corps	D75-88		3,081 11-13-74				3,081

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Current	Date of Action	Releases resulting from Subsequent Actions Taken by OAG/Agency House Senate	Adjustments 06-01-75	Amount Deferred as of 06-01-75
Forest Roads and Trails and Roads and Trails for State National Forest Fund	D75-24	[420,000*]		10-08-74 11-13-74		-420,000 L/	0
	D75-24A		420,000	11-13-74			420,000
Construction and Land Acquisition	D75-90		6,865	11-26-74			6,865
	D75-25	[152]		10-04-74 01-30-75		-152 L/	0
Forest Fire Prevention	D75-25A		173	01-30-75			173
	D75-26	[18,747*]		10-08-74 01-30-75		-18,747 L/	0
Expense, Brush Disposal	D75-26A		26,141	01-30-75			26,141
	TOTAL		445,913	474,470	-1,266	-445,913	473,204

1/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of Commerce

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded Current	Date of Action	OMB/Agency	Releases resulting from Subsequent Actions Taken by House	Senate	Adjustments	Amount Deferred as of 06-01-75
<u>General Administration:</u>								
<u>Special Foreign</u>								
Currency	D75-140	1,500	01-30-75					1,500
<u>Economic Development</u>								
<u>Administration:</u>								
Job Opportunities Program	D75-141	125,000	01-30-75 04-11-75	-125,000				0
<u>Social and Economic</u>								
<u>Statistics Administration</u>								
Periodic Censuses and Programs	D75-91	327	11-26-74					327
<u>Domestic and Inter-</u>								
<u>National Business Admin-</u>								
<u>istration</u>								
Operations and Admin- istration	D75-92	750	11-26-74					750
Financial and Technical Assistance, Trade Ad- justment Assistance*	D75-27	[1,780*]	10-04-74 11-26-74				-1,780 1/	0
<u>United States Travel</u>								
<u>Service</u>								
Inter-American Cultural and Trade Center*	D75-28	[2,891*]	10-04-74 11-26-74 01-30-75				-1,420 -3,471 2/	0
Inter-American Cultural and Trade Center	D75-93	[1,420]	11-26-74 01-30-75				-1,420 2/	0
<u>National Oceanic and</u>								
<u>Atmospheric Administration</u>								
Operations Research and Facilities	D75-94	6,800	11-26-74 01-30-75 03-25-75				-2,727 3/	0
					-4,073			

NOTICES

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Date of Action	OMB/Agency	Releases resulting from Subsequent Actions Taken by House	Senate	Adjustments	Amount Deferred as of 26-01-75
Costal Zone Management	D75-30	[3,175*]	10-04-74 10-26-74 12-27-74	-1,000			-2,175 4/	0
Coastal Zone Management	D75-30A	2,175	12-27-74					2,175
Promote and Develop Fishery Products and Research Pertaining to American Fisheries	D75-95	1,000	11-26-74					1,000
Fisheries Loan Fund	D75-131	1,871	12-27-74					1,871
	D75-12	[4,039*]	09-20-74 12-27-74				-4,039 4/	0
	D75-12A	5,292	12-27-74					5,292
National Fire Prevention and Control Administration	D75-96	500	11-26-74					500
National Bureau of Standards	D75-29	231*	10-04-74 01-30-75	-231				0
Office of Assistant Secretary for Science and Technology, Scientific and Technical Research and Services	D75-31	[2,468*]	10-04-74 11-26-74				-2,468 5/	0
	D75-97	[3,718]	11-26-74 01-30-75				-3,718 1/	0
	D75-97A	4,628	01-30-75					4,628
Maritime Administration	D75-98	[5,750]	11-26-74				-5,750 4/	55,750
Ship Construction	D75-98A	55,750	05-08-75					
Research and Development	D75-99	[3,468]	11-26-74 01-30-75				-3,468 1/	0
	D75-99A	7,768	01-30-75					7,768

Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date of Action	Releases resulting from Subsequent Actions taken by		Amount Deferred as of 06-01-75
		Superseded	Current		OMB/Agency	House Senate	
Operations and Training	D75-100		1,300	11-26-74			1,300
TOTAL		30,709	214,892		-126,231	-4,073	82,861

TOTAL

1/ See Rescission No. R75-13.

2/ See Rescission No. R75-52

3/ Amount proposed for rescission (R75-15A) was \$3,227K. On 3-1-75, \$500K was released.

4/ Subsequently incorporated in a supplementary report.

5/ See Deferral No. D75-97.

STATUS OF DEFERRALS

FISCAL YEAR 1975

(Amounts in thousands)

Agency: Department of Defense, Military

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded Current	Date of Action	Releases resulting from Subsequent Actions Taken by OMB/Agency House Senate	Adjustments	Amount Deferred as of 01-01-75
Procurement of Weapons and Tracked Combat Vehicles, Army	D75-155	200	04-18-75			200
Procurement of Ammunition, Army	D75-156	66,349	04-18-75 04-18-75	-66,349		0
Other Procurement, Army	D75-157	6,200	04-18-75			6,200
Shipbuilding and Conversion, Navy	D75-32	[497,990]	10-04-74 12-27-74		-497,990 1/	0
	D75-32A	[1,244,760]	12-27-74 04-18-75		-1,244,760 1/	0
	D75-32B	1,793,590	04-18-75			1,793,590
Military Construction, All	D75-33	[156,893]	10-04-74 10-25-74 11-18-74 12-04-74 04-18-75	-19,598 -1,636 -10,037		0
	D75-33A	634,321	04-18-75 03-13-75 03-27-75 03-31-75 04-07-75 04-18-75 05-05-75 05-07-75 05-15-75 05-23-75	-170,398 -44,343 -7,890 -31,462 -5,245 -33,329 -11,106 -4,343 -43,038	-125,622 1/	0
Family Housing, Defense	D75-158	41,314	04-18-75			283,167
						41,314

Amount
Deferred
as of
06-01-75

Adjustments

Releases resulting from
Subsequent Actions Taken by
CMB/Agency House SenateDate of
ActionAmount Transmitted
in Special Message
Superseded CurrentDeferral
Number

Bureau/Account

Special Foreign Currency
Program Appropriations

D75-34

[955]

1C-04-74
01-30-75

TOTAL

1,900,598 2,541,974

-448,774

-1,869,327 2,124,471

1/ Subsequently incorporated in a supplementary report.
2/ See Rescission Nos. R75-53 and R75-54.

NOTICES

STATUS OF DEFERRALS

FISCAL YEAR 1975

(Amounts in thousands)

Agency: Department of Defense, Civil

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Current	Date of Action	Releases resulting from Subsequent Actions Taken by OMB/Agency	House	Senate	Adjustments	Amount Deferred as of 06-01-75
Corps of Engineers, Civil									
Construction, General	D75-1		108	09-20-74 04-30-75	-108				0
	D75-81		43,945	10-31-74 03-12-75		-43,945			0
Flood Control, Mississippi River and Tributaries	D75-82		14,503	10-31-74 03-12-75		-14,503			0
Soldiers' and Airmen's Home									
Capital Outlay	D75-35	[613*]		10-04-74 10-01-74 11-13-74	-179			-434 1/	0
	D75-35A		434	11-13-74					434
Panama Canal Zone									
Capital Outlay	D75-36	[500*]		10-04-74 11-13-74				-500 1/	0
	D75-36A		500	11-13-74					500
Wildlife Conservation									
Military Reservations	D75-37	[297*]		10-04-74 11-13-74				-297 1/	0
	D75-37A	[343]		11-13-74 04-18-75				-343 1/	0
	D75-37B	[432]		04-18-75 04-18-75				-432 1/	0
	D75-37C		437	04-18-75					437
TOTAL		2,185	59,927		-287	-58,448		-2,006	1,371

1/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of Health, Education, and Welfare

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded Current	Date of Action	Releases resulting from Subsequent Actions Taken by CMB/Agency House	Adjustments	Amount Deferred as of 06-01-75
<u>Health Services Administration</u>						
<u>Health Services Delivery*</u>	D75-38	2,250*	10-04-74 10-31-74	-2,250		0
<u>Health Services</u>	D75-142	13,996	01-30-75 03-17-75	-13,996 1/2		0
<u>Indian Health Facilities*</u>	D75-39	88*	10-04-74 11-15-75	-88		0
	D75-153	1,000	08-18-75			1,000
<u>National Institutes of Health</u>						
<u>Buildings and Facilities</u>	D75-40	[10,441*]	10-04-74 11-18-74 12-27-74	-4,009	-6,432 1/2	0
	D75-40A	[6,432]	12-27-74 04-18-75		-6,432 1/2	0
	D75-40B	7,806	04-18-75 05-31-75	-1,384		6,422
<u>Research Resources</u>	D75-143	6,305	01-30-75 03-17-75	-6,305 1/2		0
<u>Alcohol, Drug Abuse and Mental Health Administration:</u>						
<u>Alcohol, Drug Abuse, and Mental Health</u>	D75-144	2,326	01-30-75 03-17-75	-2,326 1/2		0
<u>Health Resources Administration</u>						
<u>Health Resources</u>	D75-145	2,823	01-30-75 03-17-75	-777 1/2	-2,046	0

NOTICES

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Current	Date of Action	Releases resulting from Subsequent Actions Taken by OMB/Agency House	Senate	Adjustments	Amount Deferred as of 06-01-75
Health Resources (Health Facilities Construction)	D75-146	[301,340]		01-30-75 04-01-75			-301,340 5/	0
Health Resources	D75-159		81,439	04-18-75				81,439
Health Manpower	D75-87		100	10-31-74 03-17-75	-100			0
Health Manpower	D75-101	[3,550]		11-26-74 12-20-74			-3,550 2/	0
Program Management	D75-102	[1,400]		11-26-74 01-30-75			-1,400 1/	0
	D75-102A		740	01-30-75 04-01-75	-740			0
Office of Assistant Secretary for Health Scientific Activities Overseas	D75-41	[21,714]		10-04-74 01-10-75 04-18-75	-6,566		-15,148 1/	0
	D75-41A		15,148	04-18-75				15,148
Education Division: Office of Education: Elementary and Secondary Education: Supplementary Services	D75-103	[9,278]		11-26-74 12-27-74			-9,278 2/	0
Equipment and Minor Remodeling	D75-104	[6,562]		11-26-74 12-27-74			-6,562 2/	0
Nutrition and Health	D75-105	[1,900]		11-26-74 12-27-74			-1,900 2/	0
School Assistance in Federally Affected Areas	D75-6	[16,000]		09-20-74 12-27-74			-16,000 1/	0
	D75-6A	[64,000]		12-27-74 12-07-74			-64,000 3/	0

NOTICES

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Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Date of Action	Releases resulting from Subsequent Actions Taken by		Adjustments	Amount Deferred as of 06-01-75
				OMB/Agency	House Senate		
Higher Education	D75-42	[8,788*]	10-04-74 01-30-75			-8,788 1/	0
	D75-42A		01-30-75				72,790
(University Community Services)	D75-3	[2,906]	09-20-74 12-27-74			-2,906 1/	0
	D75-3A	[5,812]	12-27-74 12-07-74			-5,812 2/	0
(Land Grant Colleges)	D75-4	[9,500]	09-20-74 12-07-74			-9,500 2/	0
(State Postsecondary Education Commission)	D75-5	[350]	09-20-74 12-27-74			-350 1/	0
	D75-5A	[700]	12-27-74 12-07-74			-700 2/	0
(Basic Opportunity Grants)	D75-147		01-30-75				298,714
Library Resources: (Public Libraries)	D75-2	[5,437]	09-20-74 12-27-74			-5,437 1/	0
	D75-2A	[10,874]	12-27-74 12-07-74			-10,874 2/	0
Library Resources	D75-148		01-30-75 03-17-75		-2,792		0
Emergency School Aid	D75-160		04-18-75				161,493
Social and Rehabilitation Service: Public Assistance (Child Welfare Assistance)	D75-8	[375]	09-20-74 12-27-74			-375 1/	0
	D75-8A	[750]	12-27-74 12-07-74			-750 2/	0
Work Incentives	D75-132	[50,000]	12-27-74 12-07-74			-50,000 2/	0

NOTICES

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Date of Action	Releases resulting from Subsequent Actions Taken by OMB/Agency House	Adjustments	Amount Deferred as of 06-01-75
Rehabilitation Services (Innovation and Expansion)	D75-7	[5,000]	09-20-74 12-27-74		-5,000 1/	0
	D75-7A	[10,000]	12-27-74 12-07-74		-10,000 2/	0
	D75-43		10-04-74			8,158
Research and Training Activities Overseas	D75-44	[15,393*]	10-04-74 11-22-74 12-27-74	-2,865	-12,528 1/	0
	D75-44A	[12,528]	12-27-74 01-30-75		-12,528 1/	0
	D75-44B		20,576 01-30-75			20,576
Special Institutions Model Secondary School for the Deaf	D75-45	803*	10-04-74 01-07-75	-803		0
	D75-46	[11,490*]	10-04-74 01-30-75		-11,490 1/	0
	D75-46A		6,323 01-30-75			6,323
Gallaudet College (Construction)	D75-149		1,267 01-30-75			1,267
	D75-106	[1,902]	11-26-74 12-20-74		-1,902	0
Office of the Secretary Departmental Management						
TOTAL		594,422	706,937	-45,001	-583,028	673,330

1/ Subsequently incorporated in a supplementary report.
 2/ Enactment of P.L. 93-517 (December 7, 1974) ended deferral of funds provided by the Continuing Resolution.
 3/ Enactment of P.L. 93-554 (December 27, 1974) ended deferral of these funds.
 4/ Release of pay raise transfers previously reclassified as rescissions by the Comptroller General.
 5/ Amounts for Hill-Burton (D75-146) were deleted by Congress from the Continuing Resolution for the fourth quarter; remaining amounts previously deferred have been proposed for rescission (R75-86).

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of Housing and Urban Development

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded Current	Date of Action	OMB/Agency	Releases resulting from Subsequent Actions Taken by House Senate	Adjustments	Amount Deferred as of 06-01-75
<u>Housing Production and Mortgage Credit</u>							
Nonprofit Sponsor Assistance*	D75-47	7,995*	10-04-74				7,995
Homeownership Assistance* 1/	D75-48	264,117*	10-04-74 03-13-75				264,117 4/
<u>Community Planning and Development</u>							
Comprehensive Planning Grants	D75-107	50,000	11-26-74 03-13-75			-50,000	0
Open Space Land Programs*	D75-49	55,161*	10-04-74 01-01-75			-55,161 2/	0
Grants for Neighborhood Facilities*	D75-50	48*	10-04-74 01-01-75			-48 2/	0
Grants for Basic Water and Sewer Facilities*	D75-51	401,734*	10-04-74 01-01-75			-401,734 2/	0
Public Facility Loans	D75-52	[199,290*]	10-04-74 01-01-75 11-13-74	-15,356		-183,934 3/	0
	D75-52A	183,934	11-13-74 01-01-75			-183,934 2/	0
<u>New Communities Administration:</u>							
New Communities Assistance Grants*	D75-53	1,799*	10-04-74				1,799

NOTICES

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Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Date of Action	Releases resulting from Subsequent Actions Taken by		Amount Deferred as of 06-01-75
				OMB/Agency	House Senate	
Policy Development and Research						8,000
Research and Technology	D75-108	8,000	11-26-74			
TOTAL		199,290	972,788	-15,356	-50,000 3/	281,911

1/ On November 6, 1974, the Comptroller General advised the Congress that, in his opinion, this item was misclassified and should have been submitted as a rescission.

2/ Authority for these programs expired January 1, 1975.

3/ Subsequently incorporated in a supplementary report.

4/ The Senate has passed an Impoundment Resolution disallowing this deferral, however, the Attorney General has ruled that the item is not subject to Congressional action under the provisions of the Impoundment Control Act since the funds were reserved prior to the effective date of that Act.

5/ Excludes amounts for Homeownership Assistance (D75-48).

FISCAL YEAR 1975

(Amounts in thousands)

Agency: Department of the Interior

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded Current	Date of Action	Releases resulting from Subsequent Actions Taken by		Adjustments	Amount Deferred as of 06-01-75
				OMB/Agency	House Senate		
<u>Bureau of Land Management</u> Public Lands Development Roads and Trails	D75-54	[30,000*]	10-04-74 11-13-74			-30,000 L/	0
	D75-54A	30,000	11-13-74				30,000
	D75-13	[23,693]	09-20-74 04-18-75			-23,693 L/	0
	D75-13A	17,029	04-18-75				17,029
<u>Bureau of Reclamation</u> Loan Program	D75-83	900	10-31-74 03-12-75		-900		0
Construction and Rehabilitation:	D75-14	1,055	09-20-74 09-27-74	-25			1,030
	D75-84	17,955	10-31-74 03-12-75		-17,955		0
Colorado River Basin Project	D75-85	2,525	10-31-74 03-12-75		-2,525		0
	D75-86	1,730	10-31-74 03-12-75		-1,730		0
Upper Colorado River Storage Project	D75-15	1,150	09-20-74				1,150
Upper Colorado River Basin Fund	D75-35	30,000*	10-04-74				30,000
<u>Bureau of Outdoor Recreation</u> Land and Water Conservation Fund*	D75-109	20,000 (10,000) 2/11-26-74	11-26-74				20,000 (10,000)
Land and Water Conservation Fund							

NOTICES

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Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Date of Action	Releases resulting from Subsequent Actions Taken by		Adjustments	Amount Deferred as of 06-01-75
				OMB/Agency	House Senate		
Fish and Wildlife Service Federal Aid in Fish Restoration and Management	D75-56	[6,924]	10-04-74 04-18-75			-6,924 1/	0
	D75-56A	6,077	08-18-75 05-12-75	-1,600			4,477
	D75-57	[19,375]	10-04-74 04-18-75			-19,375 1/	0
	D75-57A	18,791	08-18-75 05-12-75	-8,600			10,191
National Wildlife Refuge Fund	D75-58	3,642	10-04-74				3,642
Proceeds from Sales, Water Resources Development Projects*	D75-59	4*	10-04-74 03-06-75	-4			0
National Park Service: Road Construction	D75-60	312,098	10-04-74 10-10-74 12-18-74	-55,962 -7,500			248,636
U.S. Geological Survey Payments from Proceeds, Sale of Water, Mineral Leasing Act, 1920	D75-61	[28*]	10-04-74 10-25-74 11-13-74	-1		-27 1/	0
	D75-61A	27	11-13-74				27
Bureau of Mines Drainage of Anthracite Mines*	D75-62	3,575*	10-04-74				3,575
Helium Fund	D75-133	47,500	12-27-74				47,500
Bureau of Indian Affairs Road Construction	D75-63	[110,423]	10-04-74 01-30-75			-110,423 1/	0
	D75-63A	135,175	01-30-75				135,175

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Date of Action	OMB/Agency	Releases resulting from Subsequent Actions Taken by House	Senate	Adjustments	Amount Deferred as of 06-01-75
Acquisition of Land and Loans to Indians of Oklahoma, Act of June 26, 1939*	D75-64	105*	10-08-74					105
TOTAL		190,443	649,338	-73,692	-23,110		-190,442	552,537

1/ Subsequently incorporated in a supplementary report.
 2/ Deferral of outlays only.

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of Justice

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded Current	Date of Action	OMB/Agency	Releases resulting from Subsequent Actions Taken by House Senate	Adjustments	Amount Deferred as of 06-01-75
Bureau of Prisons Buildings and Facilities*	D75-65	19,320*	10-04-74 05-07-75		-19,320		0
TOTAL		19,320			-19,320		0

STATUS OF DEFERRALS
FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of Labor

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Date of Action	Releases resulting from Subsequent Actions Taken by OMB/Agency	House	Senate	Adjustments	Amount Deferred as of 06-01-75
Manpower Administration: Program Administration	D75-135	[200]	12-27-74 12-07-74				-200 1/	0
Comprehensive Manpower Assistance	D75-134	[5,000]	12-27-74 12-07-74				-5,000 1/	0
Departmental Management: Salaries and expenses	D75-136	[60]	12-27-74 12-07-74				-60 1/	0
Special Foreign Currency	D75-150		200 01-30-75 02-06-75	-200				0
Pension Benefit Guaranty Corporation: Pension Guaranty Fund	D75-89		343 11-13-74 01-06-75	-343				0
TOTAL		5,260		543	-543		-5,260	0

1/ Enactment of P.L. 93-517 (December 7, 1974) ended deferral of funds provided by the Continuing Resolution.

STATUS OF DEFERRALS

FISCAL YEAR 1975

(Amounts in thousands)

Agency: Department of State

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded Current	Date of Action	Releases resulting from Subsequent Actions Taken by OMB/Agency House Senate	Amount Deferred as of 06-01-75
Administration of Foreign Affairs					
Acquisition, Operation, and Maintenance of Buildings Abroad	D75-66	33,310	10-04-74 02-13-75	-7,850	25,460
International Boundary and Water Commission, U.S. and Mexico Construction	D75-67	[4,696*]	10-04-74 11-13-74		0
	D75-67A	4,696	11-13-74		4,696
International Center, Washington, D.C.	D75-16	500	09-20-74		
TOTAL		4,696		-7,850	30,656

NOTICES

1/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS
FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of Transportation

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded Current	Date of Action	Releases resulting from Subsequent Actions Taken by OMB/Agency House Senate	Amount Deferred as of 06-01-75
United States Coast Guard					
Acquisition, Construction, and Improvements	D75-68	7,614	10-04-74		7,614
Federal Aviation Administration					
Civil Supersonic Aircraft Development and Civil Supersonic Aircraft Development	D75-69	8,113	10-04-74		8,113
Facilities and Equipment	D75-70	260,824	10-04-74		260,824
Federal Highway Administration					
Rail Crossings - Demonstration Projects	D75-72	8,015	10-04-74		8,015
National Scenic and Recreational Highway and Trust Fund Share of Other Highway Programs	D75-71	90,000	10-04-74		90,000
Federal Aid Highways 1975 and prior	D75-17 [4,370,090]		09-20-74		
	D75-17 [6,357,500]		02-13-75 04-18-75	-1,591,104 1/	0
	D75-17A	9,136,486	04-18-75 04-23-75	-9,136,486 3/	0

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded Current	Date of Action	Releases resulting from Subsequent Actions Taken by OMB/Agency House Senate	Adjustments	Amount Deferred as of 06-01-75
National Highway Traffic Safety Administration						
Traffic and Highway Safety	D73-151	1,800	01-30-75			1,800
TOTAL		10,727,590	9,512,852	-1,591,104	-9,136,486	376,366

1/ This figure includes the release of \$2 billion announced by the President and \$409 million in other adjustments.

2/ Subsequently incorporated in a supplementary report.

3/ Impoundment resolution, S. Res. 69, passed the Senate April 24, 1975 rejecting this deferral.

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of the Treasury

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Date of Action	Releases resulting from Subsequent Actions Taken By		Amount Deferred as of 06-01-75
				OMB/Agency	House Senate	
Office of the Secretary State and Local Govern- ment Fiscal Assistance Trust Fund	D75-154	93,420	04-18-75			93,420
		93,420				93,420
TOTAL						

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Energy Research and Development Administration 1/

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded Current	Date of Action	OMB/Agency	Releases resulting from Subsequent Actions Taken by House	Senate	Adjustments	Amount Deferred as of 06-01-75
<u>Operating Expenses</u> <u>Weapons Program</u>								
	D75-110	4,000	11-26-74					4,000
Civilian Reactor Research and Development	D75-111	8,000	11-26-74 05-07-75			-8,000		0
Civilian Reactor Research and Development	D75-112	6,700	11-26-74 05-07-75			-6,700		0
Physical Research	D75-113	2,700	11-26-74 05-07-75			-2,700		0
Controlled Thermonuclear Research	D75-114	8,000	11-26-74 05-07-75			-8,000		0
Biomedical and Environmental Research and Safety	D75-115	4,000	11-26-74 05-07-75			-4,000		0
<u>Operating Expenses/Plant and Capital Equipment</u> <u>Weapons Program</u>								
	D75-116	4,700	11-26-74 05-07-75			-4,700		0
<u>Plant and Capital Equipment</u>	D75-73	[1,500]	10-04-74 11-26-74				-1,500 2/	0
<u>Plant and Capital Equipment</u> <u>Nuclear Materials</u>	D75-117	12,000	11-26-74 05-07-75			-12,000		0
Nuclear Materials	D75-118	12,000	11-26-74					12,000
Civilian Reactor Research and Development	D75-119	10,000	11-26-74					10,000

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Date of Action	Releases resulting from Subsequent Actions Taken by OMB/Agency	House	Senate	Adjustments	Amount Deferred as of 06-01-75
Civilian Reactor Research and Development	D75-120	1,500	11-26-74					1,500
Civilian Reactor Research and Development	D75-121	12,100	11-26-74					12,100
Civilian Reactor Research and Development and Controlled Thermonuclear Research	D75-122	13,000	11-26-74 04-15-75	-11,000				2,000
Other Capital Equipment	D75-123	13,900	11-26-74					13,900
TOTAL		1,500 112,600		-11,000	-86,100	-1,500		55,500

1/ Effective January 19, 1975 all ABC deferrals were transferred to ERDA. ABC programs transferred to the Nuclear Regulatory Commission contained no deferrals. EPA, NSF, and Interior programs transferred to ERDA contained no deferrals.

2/ See Deferral No. D75-120.

STATUS OF DEFERRALS
FISCAL YEAR 1975
(Amounts in thousands)

Agency: Environmental Protection Agency

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded Current	Date of Action	OMB/Agency	House	Senate	Releases resulting from Subsequent Actions Taken by	Adjustments	Amount Deferred as of 06-01-75
<u>Abatement and Control</u>									
Water Program Operations	D75-74	2,000	10-04-74						2,000
Water Planning and Standards	D75-75	30,000	10-04-74						30,000
Construction Grants	D75-9	9,000,000*	09-20-74 01-31-75 02-21-75	-8,000,000 -5,000,000					0
Air and Water Control Agency Grants	D75-152	9,375	01-30-75						9,375
TOTAL		9,041,375		-9,000,000					41,375

STATUS OF DEFERRALS
FISCAL YEAR 1975
(Amounts in thousands)

Agency: General Services Administration

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded Current	Date of Action	Releases resulting from Subsequent Actions Taken by		Amount Deferred as of 06-01-75
				OWB/Agency	House Senate	
Automatic Data and Telecommunications Activities:						
Automatic Data Processing	D75-10	18,300	09-20-74 09-30-74 12-10-74	-4,300 -14,000		0
Property Management and Disposal Service:						
Rare Silver Dollar Program	D75-137	2,184	12-27-74			2,184
TOTAL		20,484		-18,300		2,184

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: National Aeronautics and Space Administration

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded Current	Date of Action	OMB/Agency	House	Senate	Adjustments	Amount Deferred as of 06-01-75
Research and Development Manned Space Flight	D75-124	20,000	11-26-74 05-30-75	-20,000				0
Space Science and Applications	D75-125	16,000	11-26-74 05-30-75	-16,000				0
Aeronautical Research and Space Supporting Activities	D75-126	36,000	11-26-74 05-30-75	-36,000				0
TOTAL		72,000		-72,000				0

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Other Independent Agencies

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded Current	Date of Action	Releases resulting from Subsequent Actions Taken by		Amount Deferred as of 06-01-75
				CMB/Agency	House Senate	
District of Columbia Loans for Capital Outlay	D75-76	96,800	10-04-74			96,800
Federal Energy Administration Salaries and expenses	D75-77	11,929	10-04-74 01-25-75	-11,929		0
Foreign Claims Settlement Commission Payment of Vietnam Prisoners of War Claims	D75-18	10,500	09-20-74			10,500
Advisory Commission on Intergovernmental Relations Salaries and Expenses	D75-138	50	12-27-74 01-02-75	-50		0
National Foundation on the Arts and Humanities Salaries and expenses	D75-127	18,000	11-26-74 04-01-75	-18,000		0
National Science Foundation Salaries and Expenses	D75-128	15,000	11-26-74 05-23-75	-15,000		0
Salaries and Expenses (Energy R&D Appropriation Act, 1975)	D75-129	5,000	11-26-74 05-23-75	-5,000		0
American Revolution Bicentennial Administration Salaries and Expenses	D75-78	11,000	10-04-74 11-20-74	-11,000		0

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded Current	Date of Action	OMB/Agency	House	Senate	Adjustments	Amount Deferred as of 06-01-75
Commemorative Activities Fund	D75-79	6,310	10-04-74 12-05-74 03-27-75	-4,810 -500				1,000
Railroad Retirement Board								
Railroad Unemployment Administrative Expenses Trust Fund*	D75-80	4,716*	10-04-74					4,716
Small Business Administration Business Loan and Investment Fund	D75-130	36,000	11-26-74					36,000
TOTAL		215,305		-66,289				149,016
TOTAL, ALL DEFERRALS		14,102,606		-11,497,013	-85,631	-9,232,586	-13,095,905	5,030,132

*Action concluded prior to July 12, 1974, the day the Impoundment Control Act became effective.

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PART V



OFFICE OF THE FEDERAL REGISTER

■

PUBLICATION GUIDELINES FOR THE PRIVACY ACT OF 1974

OFFICE OF THE FEDERAL REGISTER

PUBLICATION GUIDELINES FOR THE PRIVACY ACT OF 1974

The primary purpose of this document is to issue guidelines for Federal agencies to follow in complying with the Federal Register publication requirements of the Privacy Act of 1974 (Pub. L. 93-579). (Full text of the Act appears in Appendix C.) It is also hoped that publication of these guidelines will facilitate public use of the materials published.

INTERAGENCY MEETING

An interagency meeting will be held on July 1, 1975, at 2 p.m. in the General Services Administration Auditorium, 18th & F Streets, N.W., Washington, D.C. All agencies are invited to send representatives to this meeting which will address questions and special problems arising from the publication requirements of the Act.

QUESTIONS, COPIES, AND ASSISTANCE

Questions, requests for additional copies of these guidelines, or for assistance in drafting rules or notice documents may be directed by phone to 523-5240, or by mail to the Privacy Publications Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ANNUAL COMPILATION

The last sentence of § 552a(f) of the Privacy Act requires the Office of the Federal Register to "annually compile and publish the rules * * * and agency notices * * * in a form available to the public at low cost." The publication requirements in these guidelines are directed toward making this annual compilation a practical and usable document that will carry out both the spirit and intent of the Privacy Act. To accomplish this goal the cooperation of all Federal agencies is essential.

OFR GUIDELINES

The Privacy Act requires Federal agencies to publish two general types of documents: (1) Implementing regulations (5 U.S.C. 552a(f)); and (2) notices of the existence and character of the systems of records it maintains (552a(e)(4)). Within these two general categories there are two significant subcategories: the exemption authority which requires both the issuance of regulations and the modification of the systems of records notices and the "routine use" portion of the notice which is the only one of the notice requirements that must be published for public comment. Thus, these guidelines are organized around the following four major publication requirements:

- (1) Rules to implement the overall purposes of the Act (552a(f)).
- (2) Rules and notices that identify general or specific exemptions (552a(j) and (k)).
- (3) Notices of routine uses (552a(e)(4)(D) and (e)(11)).

(4) Notices describing systems of records (552a(e)(4)).

The first three are subject to the public comment provisions of the Administrative Procedure Act (5 U.S.C. 553).

OFR REQUIREMENTS

Each Federal agency is required to submit to the OFR before June 26, 1975, an alphabetical list of the names of its systems of records. Any agency which has not yet submitted its estimate of the number of systems and volume of pages to be published (requested by June 15, 1975) should include the volume information with its alphabetical list of systems. For the purpose of estimating volume, six typed, double-spaced 8 x 10½ pages, or 13,000 magnetic tape characters, equal one FEDERAL REGISTER page. It is essential that each agency comply with this request so that OFR can establish an orderly publication schedule for system notices and begin work on adequate index descriptors for the annual compilation. These descriptors will be used by the Government Printing Office to automatically produce a system name index and an index of the categories of individuals from the machine readable copy. These indexes will appear in the compilation of Privacy Act rules and notices to be published by OFR. In order to make these indexes useful to the public, each agency should keep the entries for "System Name" and "Category of Individuals" as concise and meaningful as possible, placing the important words first. For example, "Claimants under Federal Tort Claims Act" is preferable to "Any U.S. citizen who makes a claim against the U.S. pursuant to the Federal Tort Claims Act." Consistent terminology is also desirable for index effectiveness. Agencies should standardize the terminology used within their own notices and try to use terms and words commonly used by other agencies. For example, "Veterans" is a more commonly used term than "Former servicemen." Agencies having difficulty in deciding on terminology may call the OFR where the preliminary lists of system names and a list of terms from sample notices will be maintained.

(1) GENERAL RULES

The general rules issued by Federal agencies to implement the Privacy Act are subject to the provisions of both 5 U.S.C. 552 and 553. Thus, a notice of proposed rule making must be published in the FEDERAL REGISTER and interested persons must be given an opportunity to comment thereon. In order to comply with the 30 day publication requirement of § 553(d), agencies must publish their final rules not later than August 28, 1975, for systems that will be in use on September 27, 1975. Therefore, to allow a reasonable comment period (OMB guidelines state at least 30 days) and time for consideration of those comments, proposed rules should be published in the FEDERAL REGISTER by mid-July.

Interested citizens seeking information under the Privacy Act will in many cases find it necessary to refer to the rules of

several Federal agencies, which will be published in the OFR's annual compilation. Therefore, it is important that there be as much uniformity as possible in the organization of agency regulations. To this end, the OFR has drafted an outline that agencies should follow in drafting their regulations. Since the regulations required by 552a(f) are for the information and use of the general public, internal agency directives should not be intermixed with the general regulations. If an agency wishes to have its internal directives published in the FEDERAL REGISTER, they may be included as an appendix to the general rules.

MODEL REGULATION OUTLINE

Sec.	Purpose and scope.
000.1	Definitions.
000.2	Procedures for requests pertaining to individual records in a record system.
000.3	Times, places, and requirements for identification of individuals making requests.
000.4	Disclosure of requested information to individuals.
000.5	Special procedures: Medical records.
000.6	Request for correction or amendment to record.
000.7	Agency review of request for correction or amendment of record.
000.8	Appeal of initial adverse agency determination on correction or amendment.
000.9	Disclosure of record to person other than the individual to whom it pertains.
000.10	Fees.
000.11	Penalties.
000.12	General exemptions.
000.13	Specific exemptions.
000.14	

CFR PART NUMBER ASSIGNMENTS

OFR has drawn up a list of recommended part numbers to be used by Federal agencies for the Privacy Act rules. In most cases the recommended part assignments would place the Privacy Act rules adjacent to existing Freedom of Information Act rules. Executive departments are urged to issue a department-wide Privacy Act rule rather than separate rules for each subagency. The recommended part assignments are listed in Appendix B.

(2) EXEMPTIONS

Section 552a(j) and (k) authorizes an agency head to exempt certain systems of records or parts of certain systems from some of the requirements of the Act. However, the Act does not authorize an agency to exempt any system of records that comes under the Act from all of the requirements of the Act. For example, a notice must be published for each exempt system containing all of the notice elements up to and including "System Manager," 552a(e)(4)(F), regardless of the provision of the Act which authorized the exemption. Further, agencies are reminded that a system that is eligible for exemption need not be exempted and that the exemption authority should be exercised only where there is a compelling reason to do so.

To exercise this exemption authority, an agency must include in proposed and final regulations identification of those parts of systems to be exempted, the provisions of the Act from which they are being exempted, and the justification for the exemption. It should also be noted that a final regulation exempting a system can become effective on the date of its publication. In addition, each notice of a system of records that is the subject of an exemption must include a brief statement, appearing above the system name, stating that the system has been exempted, the reasons therefor, and a reference to the FEDERAL REGISTER issue and page where the final exemption rule can be found.

(3) ROUTINE USE NOTICES

The "routine use of the records contained in the system, including the categories of users and the purpose of such use" is one of the key elements of the systems of records notices. However, before the routine use portion of a system of records notice may be adopted, interested persons must be given at least 30 days in which to submit written data, views, or arguments to the agency (552a (e) (11)). The practical effect of this requirement on the initial publication of system of records notices is to require the routine use portion of each notice to be published in the FEDERAL REGISTER sometime before August 28, 1975, for public comment. Since the routine use portion of a system of records notice will not stand alone, OFR strongly urges that each agency publish its full systems of records notices before August 28th. This will allow time for public comment and for making any changes in a system of records notice before September 27, 1975. **THIS PROCEDURE WILL NOT REQUIRE THE COMPLETE REPUBLICATION OF UNCHANGED SYSTEMS OF RECORDS NOTICES.** Rather, an agency will be able to publish a brief document indicating those systems being adopted without change. Complete republication will be required only where significant changes are made as a result of public comment.

(4) NOTICES OF SYSTEMS OF RECORDS

A Federal agency may not use a system of records after September 27th unless it has published in the FEDERAL REGISTER a notice for that system that meets the requirements of 552a (e) (4) of the Act. To facilitate use of these notices, OFR has prescribed the format set forth below. To make each notice as clear as possible, the information under each subheading should be brief, yet as thorough as possible. The required information **MUST BE SUBMITTED TO THE OFFICE OF THE FEDERAL REGISTER IN THE ORDER INDICATED.** With its notice an agency must submit an alphabetical list of system names which will be used as a Table of Contents, for preparing the indexes referred to above, and to assist OMB in establishing a control system for inventorying systems of records.

NOTICE FORMAT

All information should be stated as thoroughly and concisely as possible.

SYSTEM NAME

Include Federal Register identifier following system name. System name should reflect the categories of individuals on whom records are maintained in the system. This is to facilitate use of the annual compilation, so that a reader can go directly to the system notice in the compilation for a full description of the categories of individuals contained in it. A wholesale renaming of systems should not be necessary; comments and sample submissions have indicated that, in general, system names do suggest the categories of individuals on whom records are maintained.

LOCATION

Specify each address at which records are maintained in the system. For a system with many locations, the list of addresses may be included in an appendix.

CATEGORY OF INDIVIDUAL

The categories of individuals on whom records are maintained in the system. This is designed to help individuals determine if there is information on them in the system; thus, "Applicants for political science research grants" is more helpful than "Persons who filed form NCP-414."

CATEGORY OF RECORD

A brief description of the type of information in the system. For example, medical history, employment history, grant applications.

AUTHORITY

Identification of the specific statutory provision or Executive order, if any, which authorizes the solicitation of the information by the agency. While "Authority" is not required by subsection (e) (4) of the Act, subsection (e) (3) (A), dealing with the collection of information from an individual, contains the requirement that the agency cite its authority for soliciting that information. Although the section (e) (4) notice requirement deals with the maintenance of records systems rather than the solicitation of information, an authority should be included in the notice.

ROUTINE USES

Each routine use of the system, as defined in section (a) (7) of the Act, including the category of users and the purpose of each use. This is a very important element, and should include both present and anticipated uses.

RECORD MANAGEMENT POLICY AND PRACTICE

Storage—the medium in which the records are maintained, i.e., on mag-tape, punch card, etc.

Retrievability—how the system is indexed, i.e., by name, I.D. number, etc.

Safeguards—what measures have been taken to prevent unauthorized disclosure of records, i.e., physical security, personnel screening, etc.

Retention and disposal—how long the records are maintained, how they are destroyed.

SYSTEM MANAGER

The title and business address of the agency official responsible for the system policies and practices outlined above.

NOTIFICATION

The address of the agency office to which inquiries should be addressed and addresses of location at which the individual may present a request as to whether a system contains records pertaining to himself. Include any identifying information that an individual is required to provide the agency for the agency to ascertain whether or not a system contains a record about the individual. "Notification" is the "where and how" of determining if a system contains records pertaining to the individual, whereas, the "System Manager" is the official responsible for the record system policies and procedures. Where there are several locations for a single system of records, there may be a single system manager in charge of the entire system, and different agency personnel handling notification inquiries at each location. If the system manager does perform the notification function as well, "same as the above" can be inserted under the "notification" portion of the notice.

ACCESS AND CONTEST

This information is for the individual who already knows that a system contains information about him or her. It is the means by which that individual can find out how to gain access to and contest those records. For example, mailing addresses of officials to which the individual may go to seek information.

SOURCES

A description of the categories of the sources of records in the system, i.e., did the information come from the individual, from informants, from employers, etc.

SAMPLE NOTICES

The following sample illustrates how an agency might describe a small system where the system manager is also the person to whom an individual would go to find out if the system contained information on him or her, and to gain access to that information. Note that officials' titles and addresses need not be repeated.

System Name: Cryptographic Access Authorization Records—FPC.

Location: Office of Administrative Operations, FPC, 941 North Capitol St. N.E., Washington, D.C. 20426.

Category of Individual: FPC staff personnel who have been authorized access to cryptographic information.

Category of Record: Contains the name, grade, organization, and place and date of birth of person being granted access. Contains a briefing certificate signed by the individual and witnessed by the official authorized to grant access. Contains a debriefing certificate to be signed and witnessed when clearance is terminated.

NOTICES

Authority: National Security Council Communications Security Directive, dated August 26, 1968.

Routine Uses: Identification of FPC personnel having access to crypto material or equipment used only by the Director, OAO, and the COMSEC/Cryptographic Officer.

Record Management Policy and Practice: Storage—maintained on an 8x10½

inch form. Retrievability—indexed by name. Safeguards—records are maintained in a Class 6 manipulation proof 3-way combination lock steel container. Retention and Disposal—records maintained until the individual is debriefed. Held five years after debriefing and then destroyed by fire.

System Manager: Director, Office of Administrative Operations, Room 3106,

North Building, 941 N. Capitol Street N.E., Washington, D.C. 20426

Notification: Same as the above.

Access and Contest: Same as the above.

Sources of Information: Individual on whom the record is maintained.

MACHINE READABLE SUBMISSIONS

OFR urges that notices be submitted in machine readable form. Specifications for magnetic tape and OFR scannable submissions are as follows:

INPUT REQUIREMENTS FOR FR PRIVACY ACT EDIT PROGRAM UTILIZING OCR SCANNABLE COPY

Typing Requirements

Typewriters must have 10 character per inch pitch, OCR-A size I type font with 85 characters and/or symbols and space bar which conform to FIPS PUB 32.

The following FIPS PUB 32 symbols will not be used:

| long vertical mark (field identifier) fig. II-24.

Y symbol fork, figure II-22.

— group erase, figure II-96.

The symbol hook (J) figure II-21 will occasionally be used to indicate special functions.

The character erase (■) figure II-95, will be used to correct typing errors, as follows:

■ delete previous letter

■■ delete all characters, back to, but not including, previous space

■■■ delete entire line, back to the left hand margin.

Corrections on copy will not be made by erasing, white-out, or striking out. Only clean copy, with the exception of the character erase used for correcting errors, will be acceptable.

Copy must be typed double space at a 5 or 6 lines per inch pitch.

Spacing between words or sentences will be restricted to 2 spaces.

Operator must distinguish between figure one (1) and lower case letter ell (l) and between figure zero and capital letter O. These characters are not interchangeable.

Hyphens must never appear at the end of a line. If a hyphenated word must extend beyond the image area, use 2 erase symbols and start a new line. Strikes over previously typed letters are acceptable for this function only when the insertion of the two erase symbols would fall outside the right side margins.

Quotation marks—(“) for single open quotes; (”) for double open quote; (') for single close quote and apostrophe; (') for double close quote.

A one-time carbon ribbon that is equivalent to an IBM 3121 Black Ribbon Part No. 1136108 or 1136390 is normally adequate to meet requirements.

Paper Requirements

Paper will be made available through the Office of the Federal Register and will have preprinted on it, in non-OCR readable ink, margins, alignment and first character positions. Indents for 3, 6, and 9 spaces are also marked and are referred to in these specifications.

Margins and alignment are critical and must be followed.

Data Identifiers (Keyword Indicators)

The codes listed following these paragraphs must be placed immediately in front of the data they refer to. These codes will cause the correct function code and heading to be added by the edit program.

1. Data entries are to be preceded by a keyword indicator, the character (.), and a letter as assigned.
2. The keyword indicators and the subsequent letter causes the edit program to generate the proper headings as they appear on the following list.
3. Data may reflect either a textual paragraph or column/list format. The start of each paragraph is a new line, with a 3-space indent. When names, addresses, etc., require a column list format, each individual line will be a new line with a 6-space indent. It is advisable, where possible, to enter names, addresses, etc., in paragraph form.

Keyword and letter	Paragraph title
HA	(NONE)*
HB	System name:
HC	Security classification:
HD	Security location:
HE	Categories of individuals covered by the system:
HF	Categories of records in the system:
HG	Authority for maintenance of the system:
HH	Routine uses of records maintained in the system, including categories of users and the purposes of such uses:
HI	Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:
HJ	Storage:
HK	Retrievability:
HL	Safeguards:
HM	Retention and disposal:
HN	System manager(s) and address:
HO	Notification procedure:
HP	Record access procedures:
HQ	Contesting record procedures:
HR	Record source categories:
HS	Systems exempted from certain provisions of the act:

*Unique system number assigned by the submitting department. To be used in creating an index. First position after HA must be either a blank or alphabetic character. 20 characters maximum.

For further information on scanner input contact the Privacy Act Coordinator at the Office of the Federal Register.

INPUT REQUIREMENTS FOR FR PRIVACY ACT EDIT PROGRAM

1. All files will be submitted on ½ inch wide magnetic tape whose recording mode is 9 track. Acceptable recording densities are 800 or 1600 CPI.
2. Files are to be devoid of equipment-oriented identification label records, i.e., unlabeled.
3. Files are comprised of blocks of data not to exceed 3000 characters.
4. Data entries are to be preceded by a keyword indicator, the character "+", and a number as assigned. See attachment I.
5. The keyword indicators and the subsequent number causes the edit program to generate the proper headings as they appear on attachment I.
6. Data may reflect either a textual paragraph or column/list format. The start of each paragraph is preceded by the character "\$". When names, addresses, etc., require a column list format, each individual line will be preceded by the character "%". It is advisable, where possible, to enter names, addresses, etc., in paragraph form.
7. The character set indicated in attachment II provides for upper and lower case letters, the numbers zero through nine, and the normally used punctuation, e.g., period, comma, colon, semicolon, hyphen, em dash, shil, exclamation mark, question mark, quote, apostrophe, ampersand, asterisk, and open and close parens.

These codes represent the characters to be called by the composition program in composing the submitted data. Any fractions, math signs, etc., are to be spelled out.

ATTACHMENT I

Keyword and number	Paragraph title
+1	(NONE)*
+2\$	System name:
+3\$	Security classification:

*Unique system number assigned by the submitting department. To be used in creating an index. First position after +1 must be either a blank or alphabetic character. 20 characters maximum.

ATTACHMENT 1—Continued

Keyword and number	Paragraph title
+4\$	System location:
+5\$	Categories of individuals covered by the system:
+6\$	Categories of records in the system:
+7\$	Authority for maintenance of the system:
+8\$	Routine uses of records maintained in the system, including categories of users and the purposes of such uses:
+9\$	Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:
+9A\$	Storage:
+9B\$	Retrievability:
+9C\$	Safeguards:
+9D\$	Retention and disposal:
+10\$	System manager(s) and address:
+11\$	Notification procedure:
+12\$	Record access procedures:
+13\$	Contesting record procedures:
+14\$	Record source categories:
+15\$	Systems exempted from certain provisions of the act:
+16	**

*End description indicator. For use by DOD. Positions 20-24 contain record count for checking. Files will be in blocked records with control records in front of entry records.

ATTACHMENT II

PART I

Hex 0	Character	Hex 1	Character	Hex 2	Character	Hex 3	Character	Hex 4	Character	Hex 5	Character	Hex 6	Character	Hex 7	Character
00	By poss	10		20		30		40		50	&	60	- hyphen	70	
01		11		21		31		41		51		61	/ shill	71	
02		12		22		32		42		52		62		72	
03		13		23		33		43		53		63		73	
04		14		24		34		44		54		64		74	
05		15		25		35		45		55		65		75	
06		16		26		36		46		56		66		76	
07		17		27		37		47		57		67		77	
08		18		28		38		48		58		68		78	
09		19		29		39		49		59		69		79	
0A		1A		2A		3A		4A		5A	I	6A		7A	: colon
0B		1B		2B		3B		4B	period	5B	\$ para-graph	6B	, comma	7B	
0C		1C		2C		3C		4C		5C	.	6C	% list	7C	
0D		1D		2D		3D		4D	(open paren	5D	) close paren	6D	- em dash	7D	' apos
0E		1E		2E		3E		4E	+ key word	5E	; semi-colon	6E		7E	
0F		1F		2F		3F		4F		5F		6F	?	7F	" quote

NOTICES
ATTACHMENT II
PART II

Hex 8	Character	Hex 9	Character	Hex A	Character	Hex B	Character	Hex C	Character	Hex D	Character	Hex E	Character	Hex F	Character
80		90		A0		B0		C0		D0		E0		F0	0 zero
81	a	91	i	A1		B1		C1	A	D1	J	E1		F1	1
82	b	92	k	A2	s	B2		C2	B	D2	K	E2	S	F2	2
83	c	93	l	A3	t	B3		C3	C	D3	L	E3	T	F3	3
84	d	94	m	A4	u	B4		C4	D	D4	M	E4	U	F4	4
85	e	95	n	A5	v	B5		C5	E	D5	N	E5	V	F5	5
86	f	96	o	A6	w	B6		C6	F	D6	O	E6	W	F6	6
87	g	97	p	A7	x	B7		C7	G	D7	P	E7	X	F7	7
88	h	98	q	A8	y	B8		C8	H	D8	Q	E8	Y	F8	8
89	i	99	r	A9	z	B9		C9	I	D9	R	E9	Z	F9	9
8A		9A		AA		BA		CA		DA		EA		FA	
8B		9B		AB		BB		CB		DB		EB		FB	
8C		9C		AC		BC		CC		DC		EC		FC	
8D		9D		AD		BD		CD		DD		ED		FD	
8E		9E		AE		BE		CE		DE		EE		FE	
8F		9F		AF		BF		CF		DF		EF		FF	

When submitting magnetic tape to OFR for publication, an agency should submit the tape itself as printer's copy, and two printouts for use as an original document and public inspection copy. One of the printouts must be signed by "certified to be a true copy of the original," or both may be signed.

In the case of a large group of notices, for example, when an agency submits all of its notices at one time, a signed covering letter may be included, so that the issuing official may sign just one letter, rather than each systems notice.

Sample Notice II illustrates how a system notice will look with the codes required by the specifications appearing above. NOTE THAT THE ACTUAL HEADINGS, "SYSTEM NAME," "LOCATION," ETC., SHOULD NOT BE PRINTED OR TYPED, BUT ONLY THE SYMBOLS. The program developed by the Government Printing Office will insert the headings where appropriate.

+1 DOD 412.07.
+2\$ Research Clearance Files 412.07—DOD/Navy.

+4\$ Records Management Division, Administrative Management Directorate, the Adjutant General Center Office of the Secretary of the Army.

+5\$ U.S. citizens, doing unofficial research, who apply for access to Army classified files.

+6\$ Individual's application for related processing papers and access authorization and extension; correspondence between the Records Management Division and (1) applicant, (2) records custodians, (3) other Government agencies; retained copies of research notes and manuscript and selected documents.

+7\$ Section 12, Executive Order 11652, "Classification and Declassification of National Security Information and Material."

+8\$ Records are used to obtain clearance for access to classified information by applicant; to obtain approval of research subject matter; to determine location, availability and classification of records desired by the researchers; to request and coordinate the review of manuscript; and to enable discussion of proposed or ongoing research when problems arise. Primary users are the Office of the Secretary of the Army, and Offices of the Department of the Army Staff and major commands.

+9\$ Paper records in file folders.
+9B\$ Filed alphabetically by last name of researcher.

+9C\$ Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

+9D\$ Records are permanent. They are retained in active file until end of calendar year in which research project is completed, held an additional year in inactive file, and subsequently retired to the Washington National Records Center.

+10\$ The Secretary of the Army, thru his designated representative, The Ad-

jutant General, Headquarters, Department of the Army, the Pentagon, Washington, D.C.

+11\$ Information may be obtained from:

% Hq DA (DAAG-AMR-S)

% Room GA 084

% Forrestal Building

% Washington, D.C. 20314

% File Area Code 202/693-1847.

+12\$ Requests from individuals should be addressed to: Same address as stated in the notification section above.

+13\$ The Departments' rules for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in the rules section of the FEDERAL REGISTER.

+14\$ Application and related forms from the individual researcher Department of the Army Staff agencies and other federal agencies.

+15\$ None.

+16 (Record count)

The OFR Privacy Publications Coordinating Staff is available to answer any questions regarding the Privacy Act and its publication requirements. The office is located in Room 8401 at 1100 L Street, N.W., Washington, D.C.; telephone (202) 523-5240. Office hours are from 8:45 a.m. to 5:15 p.m.

Dated: June 17, 1975.

FRED J. EMERY,
Director, Office of
the Federal Register.

APPENDIX A

AGENCY ABBREVIATIONS-IDENTIFIERS

Following is the list of abbreviations for Federal agencies assigned by OFR. Any agency that still needs an identifier should call the Privacy Publications Coordinator.

USDA—AGRICULTURE DEPARTMENT

ADS—Automated Data Systems
AMS—Agricultural Marketing Service
ARS—Agricultural Research Service
ASCS—Agricultural Stabilization and Conservation Service
APHIS—Animal and Plant Health Inspection Service
CCC—Commodity Credit Corporation
CEA—Commodity Exchange Authority
COMM—Ofc. of Communications
CSRS—Cooperative State Research Service
EMS—Export Marketing Service
EMSC—Economic Management Support Center
ERS—Economic Research Service
ES—Extension Service
FCS—Farmer Cooperative Service
FmHA—Farmers Home Administration
FCIC—Federal Crop Insurance Corporation
FAS—Foreign Agricultural Service
FNS—Food and Nutrition Service
FS—Forest Service
OA—Ofc. of Audit
OEO—Ofc. of Equal Opportunity
OGC—Ofc. of General Counsel
OI—Ofc. of Information
OMF—Ofc. of Management and Finance
OO—Ofc. of Operations
OP—Ofc. of Personnel
OS—Ofc. of Secretary
PSA—Packers and Stockyards Administration
RDA—Rural Development Service

REA—Rural Electrification Administration
RTB—Rural Telephone Bank
SCS—Soil Conservation Service
SRS—Statistical Reporting Service

COMMERCE—COMMERCE DEPARTMENT

Census—Census Bureau
DIBA—Domestic and International Business Administration
EDA—Economic Development Administration
MA—Maritime Administration
NBS—National Bureau of Standards
NOAA—National Oceanic and Atmospheric Administration
NTIS—National Technical Information Service
MBE—Minority Business Enterprise Office
Patent—Patent Office
SESA—Social and Economic Statistics Administration
USTS—United States Travel Service

DOD—DEFENSE DEPARTMENT

Department of Defense (DOD)—D
Defense Advanced Research Projects Agency (DARPA)—E
Central Security Service (CSS)—Q
Defense Civil Preparedness Agency (DCPA)—C
Defense Communications Agency (DCA)—K
Defense Contract Audit Agency (DCAA)—R
Defense Intelligence Agency (DIA)—L
Defense Investigative Service (DIS)—V
Defense Mapping Agency (DMA)—B
Defense Nuclear Agency (DNA)—H
Defense Security Assistance Agency (DSAA)—T
Defense Supply Agency (DSA)—S
Department of the Air Force (AF)—F
Department of the Army (DA)—A
Department of the Navy (DON)—N
National Security Agency (NSA)—G
Office of the Secretary of Defense (OSD)—D
Organization of the Joint Chiefs of Staff (JCS)—J
United States Coast Guard (USCG)—P
United States Marine Corps (USMC)—M
Uniformed Services University of the Health Sciences (USUHS)—W

HEW—HEALTH, EDUCATION, AND WELFARE DEPARTMENT

CDC—Disease Control Center
FDA—Food and Drug Administration
HRA—Health Resources Administration
HSA—Health Services Administration
NIH—National Institutes of Health
OE—Education Office
PHS—Public Health Service
SRS—Social and Rehabilitation Service
SSA—Social Security Administration

HUD—HOUSING AND URBAN DEVELOPMENT DEPARTMENT

FDA—Federal Disaster Assistance Administration
FIA—Federal Insurance Administration
GNMA—Government National Mortgage Association
ILSRO—Interstate Land Sales Registration Office

INTERIOR—INTERIOR DEPARTMENT

BPA—Bonneville Power Administration
BIA—Indian Affairs Bureau
BLM—Land Management Bureau
FWS—Fish and Wildlife Service
GS—Geological Survey
MESA—Mining Enforcement and Safety Administration
Mines—Mines Bureau
NPS—National Park Service
OHA—Hearings and Appeals Office
Oil & Gas—Oil and Gas Office
Reclamation—Reclamation Bureau

JUSTICE—JUSTICE DEPARTMENT

DEA—Drug Enforcement Administration
 INS—Immigration and Naturalization Service
 LEAA—Law Enforcement Assistance Administration

LABOR—LABOR DEPARTMENT

BLS—Labor Statistics Bureau
 ESA—Employment Standards Administration
 FCCO—Federal Contract Compliance Office
 Manpower—Manpower Administration
 OSHA—Occupational Safety and Health Administration
 W&H—Wage and Hour Division

STATE—STATE DEPARTMENT

AID—Agency for International Development

DOT—TRANSPORTATION DEPARTMENT

CG—Coast Guard
 FAA—Federal Aviation Administration
 FHA—Federal Highway Administration
 FRA—Federal Railroad Administration
 NHTSA—National Highway Traffic Safety Administration
 St. Lawrence Seaway—Saint Lawrence Seaway Development Corporation
 UMTA—Urban Mass Transportation Administration

TREASURY—TREASURY DEPARTMENT

AT&F—Alcohol, Tobacco and Firearms Bureau
 Customs—Customs Service
 Comptroller—Comptroller of the Currency
 ESO—Economic Stabilization Office (temporary)
 FS—Fiscal Service
 IRS—Internal Revenue Service
 Mint—Mint Bureau

INDEPENDENT AGENCIES

Action
 CAB—Civil Aeronautics Board
 CASB—Cost Accounting Standards Board
 CEQ—Council on Environmental Quality
 CFTC—Commodities Futures Trading Commission
 CITA—Textile Agreements Implementation Committee
 CPSC—Consumer Product Safety Commission
 CRC—Civil Rights Commission
 CSC—Civil Service Commission
 EEOC—Equal Employment Opportunity Commission
 EIB—Export-Import Bank
 ERDA—Energy Research and Development Administration
 EPA—Environmental Protection Agency
 FCC—Federal Communications Commission
 FCSC—Foreign Claims Settlement Commission
 FDIC—Federal Deposit Insurance Corporation
 FEA—Federal Energy Administration
 FHLBB—Federal Home Loan Bank Board
 FMCS—Federal Mediation and Conciliation Service
 FPC—Federal Power Commission
 FTC—Federal Trade Commission
 GSA—General Services Administration
 GSA/FMPO—Federal Management Policy Office
 GSA/FSS—Federal Supply Service
 GSA/PBS—Public Buildings Service
 HMRB—Hazardous Materials Regulations Board

ICC—Interstate Commerce Commission
 ICP—Interim Compliance Panel
 NARS—National Archives and Records Service
 NASA—National Aeronautics and Space Administration
 NCUA—National Credit Union Administration
 NLRB—National Labor Relations Board
 NRC—Nuclear Regulatory Commission
 NTSB—National Transportation Safety Board
 OPIC—Overseas Private Investment Corp.
 OFR—Federal Register Office
 OMB—Management and Budget Office
 PRC—Postal Rate Commission
 RB—Renegotiation Board
 RRB—Railroad Retirement Board
 SBA—Small Business Administration
 SEC—Securities and Exchange Commission
 TVA—Tennessee Valley Authority
 USIA—United States Information Agency
 USPS—U.S. Postal Service
 VA—Veterans Administration
 WRC—Water Resources Council

APPENDIX B

CFR PART ASSIGNMENTS

Where feasible, a new part has been located near the Freedom of Information Act regulations. In many cases, however, Privacy Act regulations will force a revision of present parts. Thus, where recommended part numbers are occupied, it is suggested that they be revised or amended to include the Privacy Act regulations.

Title 5

- I Civil Service Commission—Parts 293, 297.
- IX Appalachian Regional Commission—Part 1900.

Title 6

- II Wage and Price Stability Council—Part 703

Title 7

- Subtitle A Office of the Secretary of Agriculture—Part 1, Subpart I

Title 8

- I Immigration and Naturalization Service—Part 104

Title 10

- I Nuclear Regulatory Commission—Add to Part 9
- II Federal Energy Administration—Part 216
- III Energy Research and Development Administration—Part 710

Title 12

- II Federal Reserve System—Add to Part 271
- III Federal Deposit Insurance Corporation—Part 310
- IV Export-Import Bank—Part 405
- V Federal Home Loan Bank Board—Part 513
- VI Farm Credit Administration—Part 603

- VII National Credit Union Administration—Part 723

Title 13

- I Small Business Administration—Add to Part 102

Title 14

- II Civil Aeronautics Board—Add to Part 310
- III National Transportation Safety Board—Part 402
- V National Aeronautics and Space Administration—Part 1212

Title 15

- A. Office of the Secretary of Commerce—Part 4b

Title 16

- I Federal Trade Commission—Add to Part 4
- II Consumer Product Safety Commission—Part 1001

Title 17

- II Securities and Exchange Commission—Add to Part 200

Title 18

- I Federal Power Commission—Add to Part 3
- II Tennessee Valley Authority—Add to Part 301
- VI Water Resources Council—Part 701

Title 19

- II International Trade Commission—Part 201

Title 20

- II Railroad Retirement Board—Add to Part 200

Title 22

- I Department of State—Part 6a
- II Agency for International Development—Part 215
- V United States Information Agency—Part 505
- VI United States Arms Control and Disarmament Agency—Part 602
- VII Overseas Private Investment Corporation—Part 707
- X Inter-American Foundation—Part 1003

Title 24

- Subtitle A. Office of the Secretary of Department of Housing and Urban Development—Part 16

Title 25

- III Indian Claims Commission—Part 502

Title 26

- I Internal Revenue Service—Part 601

Title 28

- I Department of Justice—Add to Part 16

Title 29

- Subtitle A. Office of the Secretary of Labor—Add to Part 70
 I National Labor Relations Board—Part 104
 X National Mediation Board—Part 1210
 XII Federal Mediation and Conciliation Service—Part 1410
 XIV Equal Employment Opportunity Commission—Part 1611
 XX Occupational Safety and Health Review Commission—Part 2400

Title 31

- Subtitle A. Office of the Secretary of the Treasury—Add to Part 1

Title 32

- I Office of the Secretary of Defense—Add to Part 298
 V Department of the Army—Add to Part 518
 VI Department of the Navy—Add to Part 701
 VII Department of the Air Force—Add to Part 806
 XIV Renegotiation Board—Part 1481
 XVI Selective Service System—Add to Part 1608

- XIX Central Intelligence Agency—Add to Part 1900

Title 35

- I Canal Zone—Part 10

Title 36

- IV American Battle Monuments Commission—Add to Part 404

Title 38

- I Veterans Administration—Add to Part 1

Title 39

- I United States Postal Service—Part 266

- III Postal Rate Commission—Part 3003

Title 40

- I Environmental Protection Agency—Part 16

Title 43

- Subtitle A. Office of the Secretary of the Interior—Part 2 Subpart F

Title 45

- Subtitle A Department of Health, Education, and Welfare—Part 5b

- V Foreign Claims Settlement Commission—Part 504

- VI National Science Foundation—Part 645

- VII Commission on Civil Rights—Part 706

- XI National Foundation on the Arts and the Humanities—Part 1101

- XII ACTION—Part 1209

Title 46

- IV Federal Maritime Commission—Add to Part 503

Title 47

- I Federal Communications Commission—Add to Part 0

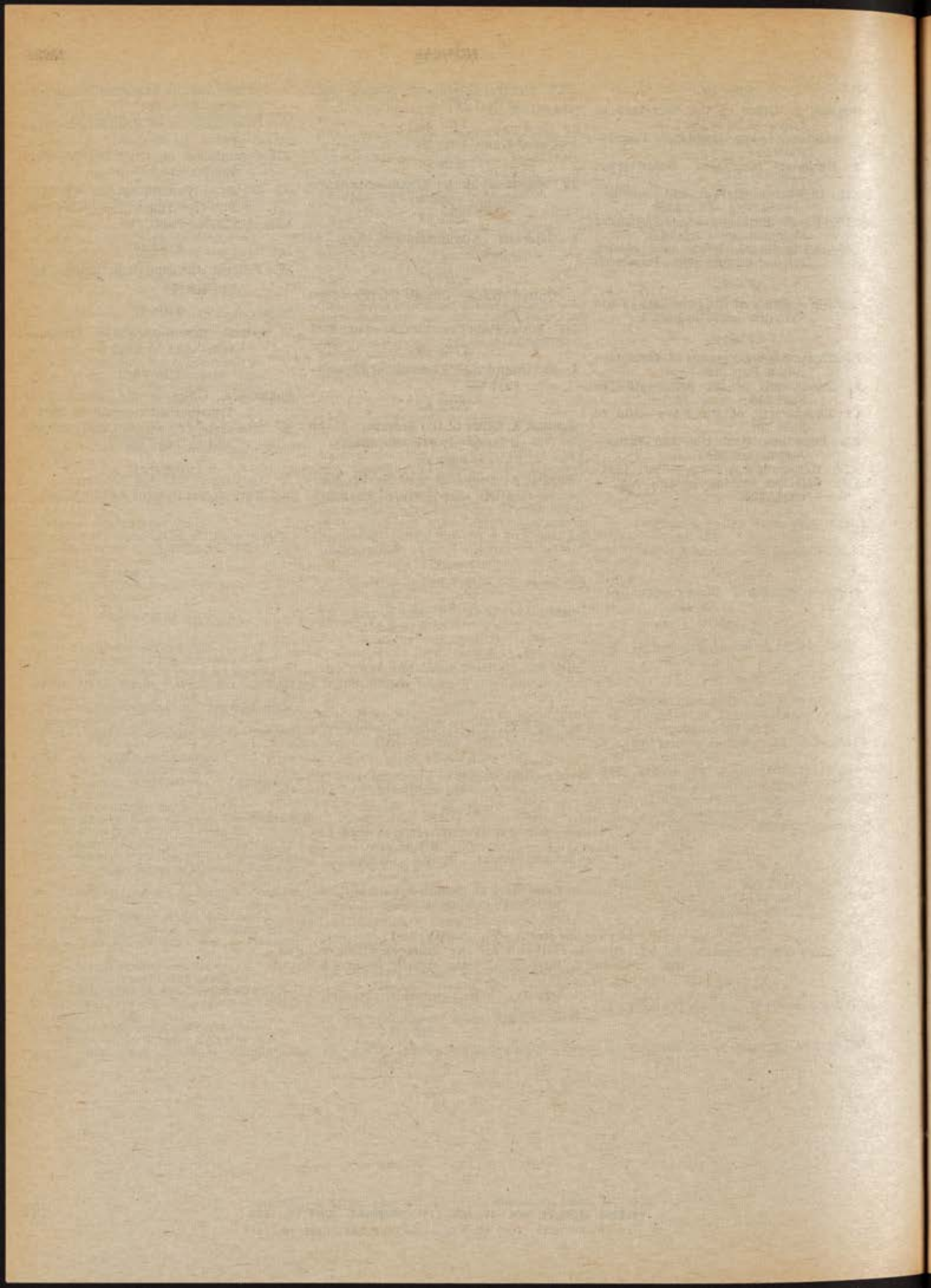
Title 49

- Subtitle A Office of the Secretary of Transportation—Add to Part 6

- X Interstate Commerce Commission—Add to Part 1007

APPENDIX A

TEXT OF THE PRIVACY ACT OF 1974





Public Law 93-579
93rd Congress, S. 3418
December 31, 1974

An Act

To amend title 5, United States Code, by adding a section 552a to safeguard individual privacy from the misuse of Federal records, to provide that individuals be granted access to records concerning them which are maintained by Federal agencies, to establish a Privacy Protection Study Commission, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Privacy Act of 1974".

SEC. 2. (a) The Congress finds that—

(1) the privacy of an individual is directly affected by the collection, maintenance, use, and dissemination of personal information by Federal agencies;

(2) the increasing use of computers and sophisticated information technology, while essential to the efficient operations of the Government, has greatly magnified the harm to individual privacy that can occur from any collection, maintenance, use, or dissemination of personal information;

(3) the opportunities for an individual to secure employment, insurance, and credit, and his right to due process, and other legal protections are endangered by the misuse of certain information systems;

(4) the right to privacy is a personal and fundamental right protected by the Constitution of the United States; and

(5) in order to protect the privacy of individuals identified in information systems maintained by Federal agencies, it is necessary and proper for the Congress to regulate the collection, maintenance, use, and dissemination of information by such agencies.

(b) The purpose of this Act is to provide certain safeguards for an individual against an invasion of personal privacy by requiring Federal agencies, except as otherwise provided by law, to—

(1) permit an individual to determine what records pertaining to him are collected, maintained, used, or disseminated by such agencies;

(2) permit an individual to prevent records pertaining to him obtained by such agencies for a particular purpose from being used or made available for another purpose without his consent;

(3) permit an individual to gain access to information pertaining to him in Federal agency records, to have a copy made of all or any portion thereof, and to correct or amend such records;

(4) collect, maintain, use, or disseminate any record of identifiable personal information in a manner that assures that such action is for a necessary and lawful purpose, that the information is current and accurate for its intended use, and that adequate safeguards are provided to prevent misuse of such information;

(5) permit exemptions from the requirements with respect to records provided in this Act only in those cases where there is an important public policy need for such exemption as has been determined by specific statutory authority; and

(6) be subject to civil suit for any damages which occur as a result of willful or intentional action which violates any individual's rights under this Act.

SEC. 3. Title 5, United States Code, is amended by adding after section 552 the following new section:

Privacy Act
of 1974.
5 USC 552a
note.
Congressional
findings.
5 USC 552a
note.

Statement of
purpose.

88 STAT. 1896
88 STAT. 1897

5 USC 552a.

§ 552a. Records maintained on individuals

5 USC 552.

(a) DEFINITIONS.—For purposes of this section—

“(1) the term ‘agency’ means agency as defined in section 552(e) of this title;

“(2) the term ‘individual’ means a citizen of the United States or an alien lawfully admitted for permanent residence;

“(3) the term ‘maintain’ includes maintain, collect, use, or disseminate;

“(4) the term ‘record’ means any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph;

“(5) the term ‘system of records’ means a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual;

“(6) the term ‘statistical record’ means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided by section 8 of title 13; and

13 USC 8.

“(7) the term ‘routine use’ means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

(b) CONDITIONS OF DISCLOSURE.—No agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless disclosure of the record would be—

“(1) to those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties;

“(2) required under section 552 of this title;

“(3) for a routine use as defined in subsection (a)(7) of this section and described under subsection (e)(4)(D) of this section;

“(4) to the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13;

“(5) to a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

“(6) to the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

“(7) to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which

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maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

"(8) to a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

"(9) to either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

"(10) to the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

"(11) pursuant to the order of a court of competent jurisdiction.

"(c) ACCOUNTING OF CERTAIN DISCLOSURES.—Each agency, with respect to each system of records under its control, shall—

"(1) except for disclosures made under subsections (b) (1) or (b) (2) of this section, keep an accurate accounting of—

"(A) the date, nature, and purpose of each disclosure of a record to any person or to another agency made under subsection (b) of this section; and

"(B) the name and address of the person or agency to whom the disclosure is made;

"(2) retain the accounting made under paragraph (1) of this subsection for at least five years or the life of the record, whichever is longer, after the disclosure for which the accounting is made;

"(3) except for disclosures made under subsection (b) (7) of this section, make the accounting made under paragraph (1) of this subsection available to the individual named in the record at his request; and

"(4) inform any person or other agency about any correction or notation of dispute made by the agency in accordance with subsection (d) of this section of any record that has been disclosed to the person or agency if an accounting of the disclosure was made.

"(d) ACCESS TO RECORDS.—Each agency that maintains a system of records shall—

"(1) upon request by any individual to gain access to his record or to any information pertaining to him which is contained in the system, permit him and upon his request, a person of his own choosing to accompany him, to review the record and have a copy made of all or any portion thereof in a form comprehensible to him, except that the agency may require the individual to furnish a written statement authorizing discussion of that individual's record in the accompanying person's presence;

Personal
review.

"(2) permit the individual to request amendment of a record pertaining to him and—

Amendment
request.

"(A) not later than 10 days (excluding Saturdays, Sundays, and legal public holidays) after the date of receipt of such request, acknowledge in writing such receipt; and

"(B) promptly, either—

"(i) make any correction of any portion thereof which the individual believes is not accurate, relevant, timely, or complete; or

"(ii) inform the individual of its refusal to amend the record in accordance with his request, the reason

for the refusal, the procedures established by the agency for the individual to request a review of that refusal by the head of the agency or an officer designated by the head of the agency, and the name and business address of that official;

Review.

"(3) permit the individual who disagrees with the refusal of the agency to amend his record to request a review of such refusal, and not later than 30 days (excluding Saturdays, Sundays, and legal public holidays) from the date on which the individual requests such review, complete such review and make a final determination unless, for good cause shown, the head of the agency extends such 30-day period; and if, after his review, the reviewing official also refuses to amend the record in accordance with the request, permit the individual to file with the agency a concise statement setting forth the reasons for his disagreement with the refusal of the agency, and notify the individual of the provisions for judicial review of the reviewing official's determination under subsection (g) (1) (A) of this section;

Notation of dispute.

"(4) in any disclosure, containing information about which the individual has filed a statement of disagreement, occurring after the filing of the statement under paragraph (3) of this subsection, clearly note any portion of the record which is disputed and provide copies of the statement and, if the agency deems it appropriate, copies of a concise statement of the reasons of the agency for not making the amendments requested, to persons or other agencies to whom the disputed record has been disclosed; and

"(5) nothing in this section shall allow an individual access to any information compiled in reasonable anticipation of a civil action or proceeding.

"(e) AGENCY REQUIREMENTS.—Each agency that maintains a system of records shall—

"(1) maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or by executive order of the President;

"(2) collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits, and privileges under Federal programs;

"(3) inform each individual whom it asks to supply information, on the form which it uses to collect the information or on a separate form that can be retained by the individual—

"(A) the authority (whether granted by statute, or by executive order of the President) which authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary;

"(B) the principal purpose or purposes for which the information is intended to be used;

"(C) the routine uses which may be made of the information, as published pursuant to paragraph (4) (D) of this subsection; and

"(D) the effects on him, if any, of not providing all or any part of the requested information;

Publication in Federal Register.

"(4) subject to the provisions of paragraph (11) of this subsection, publish in the Federal Register at least annually a notice of the existence and character of the system of records, which notice shall include—

"(A) the name and location of the system;

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"(B) the categories of individuals on whom records are maintained in the system;

"(C) the categories of records maintained in the system;

"(D) each routine use of the records contained in the system, including the categories of users and the purpose of such use;

"(E) the policies and practices of the agency regarding storage, retrievability, access controls, retention, and disposal of the records;

"(F) the title and business address of the agency official who is responsible for the system of records;

"(G) the agency procedures whereby an individual can be notified at his request if the system of records contains a record pertaining to him;

"(H) the agency procedures whereby an individual can be notified at his request how he can gain access to any record pertaining to him contained in the system of records, and how he can contest its content; and

"(I) the categories of sources of records in the system;

"(5) maintain all records which are used by the agency in making any determination about any individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination;

"(6) prior to disseminating any record about an individual to any person other than an agency, unless the dissemination is made pursuant to subsection (b) (2) of this section, make reasonable efforts to assure that such records are accurate, complete, timely, and relevant for agency purposes;

"(7) maintain no record describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity;

"(8) make reasonable efforts to serve notice on an individual when any record on such individual is made available to any person under compulsory legal process when such process becomes a matter of public record;

"(9) establish rules of conduct for persons involved in the design, development, operation, or maintenance of any system of records, or in maintaining any record, and instruct each such person with respect to such rules and the requirements of this section, including any other rules and procedures adopted pursuant to this section and the penalties for noncompliance;

Rules of
conduct.

"(10) establish appropriate administrative, technical, and physical safeguards to insure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained; and

Confidentiality
of records.

"(11) at least 30 days prior to publication of information under paragraph (4) (D) of this subsection, publish in the Federal Register notice of any new use or intended use of the information in the system, and provide an opportunity for interested persons to submit written data, views, or arguments to the agency.

Publication
in Federal
Register.

"(f) AGENCY RULES.—In order to carry out the provisions of this section, each agency that maintains a system of records shall promulgate rules, in accordance with the requirements (including general notice) of section 553 of this title, which shall—

5 USC 553.

"(1) establish procedures whereby an individual can be notified

in response to his request if any system of records named by the individual contains a record pertaining to him;

"(2) define reasonable times, places, and requirements for identifying an individual who requests his record or information pertaining to him before the agency shall make the record or information available to the individual;

"(3) establish procedures for the disclosure to an individual upon his request of his record or information pertaining to him, including special procedure, if deemed necessary, for the disclosure to an individual of medical records, including psychological records, pertaining to him;

"(4) establish procedures for reviewing a request from an individual concerning the amendment of any record or information pertaining to the individual, for making a determination on the request, for an appeal within the agency of an initial adverse agency determination, and for whatever additional means may be necessary for each individual to be able to exercise fully his rights under this section; and

Fees.

"(5) establish fees to be charged, if any, to any individual for making copies of his record, excluding the cost of any search for and review of the record.

Publication
in Federal
Register.

The Office of the Federal Register shall annually compile and publish the rules promulgated under this subsection and agency notices published under subsection (e) (4) of this section in a form available to the public at low cost.

"(g) (1) CIVIL REMEDIES.—Whenever any agency

"(A) makes a determination under subsection (d) (3) of this section not to amend an individual's record in accordance with his request, or fails to make such review in conformity with that subsection;

"(B) refuses to comply with an individual request under subsection (d) (1) of this section;

"(C) fails to maintain any record concerning any individual with such accuracy, relevance, timeliness, and completeness as is necessary to assure fairness in any determination relating to the qualifications, character, rights, or opportunities of, or benefits to the individual that may be made on the basis of such record, and consequently a determination is made which is adverse to the individual; or

"(D) fails to comply with any other provision of this section, or any rule promulgated thereunder, in such a way as to have an adverse effect on an individual,

Jurisdiction.

the individual may bring a civil action against the agency, and the district courts of the United States shall have jurisdiction in the matters under the provisions of this subsection.

Amendment
of record.

"(2) (A) In any suit brought under the provisions of subsection (g) (1) (A) of this section, the court may order the agency to amend the individual's record in accordance with his request or in such other way as the court may direct. In such a case the court shall determine the matter de novo.

"(B) The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this paragraph in which the complainant has substantially prevailed.

Injunction.

"(3) (A) In any suit brought under the provisions of subsection (g) (1) (B) of this section, the court may enjoin the agency from withholding the records and order the production to the complainant of any agency records improperly withheld from him. In such a case the court shall determine the matter de novo, and may examine the contents of

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any agency records in camera to determine whether the records or any portion thereof may be withheld under any of the exemptions set forth in subsection (k) of this section, and the burden is on the agency to sustain its action.

"(B) The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this paragraph in which the complainant has substantially prevailed.

"(4) In any suit brought under the provisions of subsection (g) (1) (C) or (D) of this section in which the court determines that the agency acted in a manner which was intentional or willful, the United States shall be liable to the individual in an amount equal to the sum of—

Damages.

"(A) actual damages sustained by the individual as a result of the refusal or failure, but in no case shall a person entitled to recovery receive less than the sum of \$1,000; and

"(B) the costs of the action together with reasonable attorney fees as determined by the court.

"(5) An action to enforce any liability created under this section may be brought in the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia, without regard to the amount in controversy, within two years from the date on which the cause of action arises, except that where an agency has materially and willfully misrepresented any information required under this section to be disclosed to an individual and the information so misrepresented is material to establishment of the liability of the agency to the individual under this section, the action may be brought at any time within two years after discovery by the individual of the misrepresentation. Nothing in this section shall be construed to authorize any civil action by reason of any injury sustained as the result of a disclosure of a record prior to the effective date of this section.

"(h) RIGHTS OF LEGAL GUARDIANS.—For the purposes of this section, the parent of any minor, or the legal guardian of any individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, may act on behalf of the individual.

"(i) (1) CRIMINAL PENALTIES.—Any officer or employee of an agency, who by virtue of his employment or official position, has possession of, or access to, agency records which contain individually identifiable information the disclosure of which is prohibited by this section or by rules or regulations established thereunder, and who knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, shall be guilty of a misdemeanor and fined not more than \$5,000.

"(2) Any officer or employee of any agency who willfully maintains a system of records without meeting the notice requirements of subsection (e) (4) of this section shall be guilty of a misdemeanor and fined not more than \$5,000.

"(3) Any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than \$5,000.

"(j) GENERAL EXEMPTIONS.—The head of any agency may promulgate rules, in accordance with the requirements (including general notice) of sections 553 (b) (1), (2), and (3), (c), and (e) of this title, to exempt any system of records within the agency from any part of this section except subsections (b), (c) (1) and (2), (e) (4) (A) through

5 USC 553.

(F), (c) (6), (7), (9), (10), and (11), and (i) if the system of records is—

“(1) maintained by the Central Intelligence Agency; or

“(2) maintained by an agency or component thereof which performs as its principal function any activity pertaining to the enforcement of criminal laws, including police efforts to prevent, control, or reduce crime or to apprehend criminals, and the activities of prosecutors, courts, correctional, probation, pardon, or parole authorities, and which consists of (A) information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status; (B) information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; or (C) reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision.

5 USC 553.

At the time rules are adopted under this subsection, the agency shall include in the statement required under section 553(c) of this title, the reasons why the system of records is to be exempted from a provision of this section.

“(k) SPECIFIC EXEMPTIONS.—The head of any agency may promulgate rules, in accordance with the requirements (including general notice) of sections 553(b) (1), (2), and (3), (c), and (e) of this title, to exempt any system of records within the agency from subsections (c) (3), (d), (e) (1), (e) (4) (G), (H), and (I) and (f) of this section if the system of records is—

5 USC 552.

“(1) subject to the provisions of section 552(b) (1) of this title;

“(2) investigatory material compiled for law enforcement purposes, other than material within the scope of subsection (j) (2) of this section: *Provided, however,* That if any individual is denied any right, privilege, or benefit that he would otherwise be entitled by Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence;

18 USC 3056.

“(3) maintained in connection with providing protective services to the President of the United States or other individuals pursuant to section 3056 of title 18;

“(4) required by statute to be maintained and used solely as statistical records;

“(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence;

“(6) testing or examination material used solely to determine individual qualifications for appointment or promotion in the

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Federal service the disclosure of which would compromise the objectivity or fairness of the testing or examination process; or

"(7) evaluation material used to determine potential for promotion in the armed services, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

At the time rules are adopted under this subsection, the agency shall include in the statement required under section 553 (c) of this title, the reasons why the system of records is to be exempted from a provision of this section.

5 USC 553.

"(1) (1) ARCHIVAL RECORDS.—Each agency record which is accepted by the Administrator of General Services for storage, processing, and servicing in accordance with section 3103 of title 44 shall, for the purposes of this section, be considered to be maintained by the agency which deposited the record and shall be subject to the provisions of this section. The Administrator of General Services shall not disclose the record except to the agency which maintains the record, or under rules established by that agency which are not inconsistent with the provisions of this section.

44 USC 3103.

"(2) Each agency record pertaining to an identifiable individual which was transferred to the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, prior to the effective date of this section, shall, for the purposes of this section, be considered to be maintained by the National Archives and shall not be subject to the provisions of this section, except that a statement generally describing such records (modeled after the requirements relating to records subject to subsections (e) (4) (A) through (G) of this section) shall be published in the Federal Register.

Publication
in Federal
Register.

"(3) Each agency record pertaining to an identifiable individual which is transferred to the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, on or after the effective date of this section, shall, for the purposes of this section, be considered to be maintained by the National Archives and shall be exempt from the requirements of this section except subsections (e) (4) (A) through (G) and (e) (9) of this section.

"(m) GOVERNMENT CONTRACTORS.—When an agency provides by a contract for the operation by or on behalf of the agency of a system of records to accomplish an agency function, the agency shall, consistent with its authority, cause the requirements of this section to be applied to such system. For purposes of subsection (i) of this section any such contractor and any employee of such contractor, if such contract is agreed to on or after the effective date of this section, shall be considered to be an employee of an agency.

"(n) MAILING LISTS.—An individual's name and address may not be sold or rented by an agency unless such action is specifically authorized by law. This provision shall not be construed to require the withholding of names and addresses otherwise permitted to be made public.

"(o) REPORT ON NEW SYSTEMS.—Each agency shall provide adequate advance notice to Congress and the Office of Management and Budget of any proposal to establish or alter any system of records in order to permit an evaluation of the probable or potential effect of such

Notice to
Congress and
OMB.

Report to
Speaker of
the House
and Presi-
dent of the
Senate.

5 USC 552.

5 USC prec.
500.

Privacy Pro-
tection Study
Commission.
Establishment.
5 USC 552a
note.
Membership.

Vacancies.

proposal on the privacy and other personal or property rights of individuals or the disclosure of information relating to such individuals, and its effect on the preservation of the constitutional principles of federalism and separation of powers.

"(p) ANNUAL REPORT.—The President shall submit to the Speaker of the House and the President of the Senate, by June 30 of each calendar year, a consolidated report, separately listing for each Federal agency the number of records contained in any system of records which were exempted from the application of this section under the provisions of subsections (j) and (k) of this section during the preceding calendar year, and the reasons for the exemptions, and such other information as indicates efforts to administer fully this section.

(q) EFFECT OF OTHER LAWS.—No agency shall rely on any exemption contained in section 552 of this title to withhold from an individual any record which is otherwise accessible to such individual under the provisions of this section."

SEC. 4. The chapter analysis of chapter 5 of title 5, United States Code, is amended by inserting:

"552a. Records about individuals."

immediately below:

"552. Public information; agency rules, opinions, orders, and proceedings."

SEC. 5. (a)(1) There is established a Privacy Protection Study Commission (hereinafter referred to as the "Commission") which shall be composed of seven members as follows:

(A) three appointed by the President of the United States,

(B) two appointed by the President of the Senate, and

(C) two appointed by the Speaker of the House of Representatives.

Members of the Commission shall be chosen from among persons who, by reason of their knowledge and expertise in any of the following areas—civil rights and liberties, law, social sciences, computer technology, business, records management, and State and local government—are well qualified for service on the Commission.

(2) The members of the Commission shall elect a Chairman from among themselves.

(3) Any vacancy in the membership of the Commission, as long as there are four members in office, shall not impair the power of the Commission but shall be filled in the same manner in which the original appointment was made.

(4) A quorum of the Commission shall consist of a majority of the members, except that the Commission may establish a lower number as a quorum for the purpose of taking testimony. The Commission is authorized to establish such committees and delegate such authority to them as may be necessary to carry out its functions. Each member of the Commission, including the Chairman, shall have equal responsibility and authority in all decisions and actions of the Commission, shall have full access to all information necessary to the performance of their functions, and shall have one vote. Action of the Commission shall be determined by a majority vote of the members present. The Chairman (or a member designated by the Chairman to be acting Chairman) shall be the official spokesman of the Commission in its relations with the Congress, Government agencies, other persons, and the public, and, on behalf of the Commission, shall see to the faithful execution of the administrative policies and decisions of the Commission, and shall report thereon to the Commission from time to time or as the Commission may direct.

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(5) (A) Whenever the Commission submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of that request to Congress.

Budget requests.

(B) Whenever the Commission submits any legislative recommendations, or testimony, or comments on legislation to the President or Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress. No officer or agency of the United States shall have any authority to require the Commission to submit its legislative recommendations, or testimony, or comments on legislation, to any officer or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress.

Legislative recommendations.

(b) The Commission shall—

(1) make a study of the data banks, automated data processing programs, and information systems of governmental, regional, and private organizations, in order to determine the standards and procedures in force for the protection of personal information; and

Study.

(2) recommend to the President and the Congress the extent, if any, to which the requirements and principles of section 552a of title 5, United States Code, should be applied to the information practices of those organizations by legislation, administrative action, or voluntary adoption of such requirements and principles, and report on such other legislative recommendations as it may determine to be necessary to protect the privacy of individuals while meeting the legitimate needs of government and society for information.

Ante, p. 1897.

(c) (1) In the course of conducting the study required under subsection (b) (1) of this section, and in its reports thereon, the Commission may research, examine, and analyze—

(A) interstate transfer of information about individuals that is undertaken through manual files or by computer or other electronic or telecommunications means;

(B) data banks and information programs and systems the operation of which significantly or substantially affect the enjoyment of the privacy and other personal and property rights of individuals;

(C) the use of social security numbers, license plate numbers, universal identifiers, and other symbols to identify individuals in data banks and to gain access to, integrate, or centralize information systems and files; and

(D) the matching and analysis of statistical data, such as Federal census data, with other sources of personal data, such as automobile registries and telephone directories, in order to reconstruct individual responses to statistical questionnaires for commercial or other purposes, in a way which results in a violation of the implied or explicitly recognized confidentiality of such information.

(2) (A) The Commission may include in its examination personal information activities in the following areas: medical; insurance; education; employment and personnel; credit, banking and financial institutions; credit bureaus; the commercial reporting industry; cable television and other telecommunications media; travel, hotel and entertainment reservations; and electronic check processing.

(B) The Commission shall include in its examination a study of—

(i) whether a person engaged in interstate commerce who maintains a mailing list should be required to remove an individual's name and address from such list upon request of that individual;

Ante, p. 1897.

Religious or-
ganizations,
exception.

Guidelines
for study.

(ii) whether the Internal Revenue Service should be prohibited from transferring individually identifiable data to other agencies and to agencies of State governments;

(iii) whether the Federal Government should be liable for general damages incurred by an individual as the result of a willful or intentional violation of the provisions of sections 552a (g)

(1) (C) or (D) of title 5, United States Code; and

(iv) whether and how the standards for security and confidentiality of records required under section 552a (c) (10) of such title should be applied when a record is disclosed to a person other than an agency.

(C) The Commission may study such other personal information activities necessary to carry out the congressional policy embodied in this Act, except that the Commission shall not investigate information systems maintained by religious organizations.

(3) In conducting such study, the Commission shall—

(A) determine what laws, Executive orders, regulations, directives, and judicial decisions govern the activities under study and the extent to which they are consistent with the rights of privacy, due process of law, and other guarantees in the Constitution;

(B) determine to what extent governmental and private information systems affect Federal-State relations or the principle of separation of powers;

(C) examine the standards and criteria governing programs, policies, and practices relating to the collection, soliciting, processing, use, access, integration, dissemination, and transmission of personal information; and

(D) to the maximum extent practicable, collect and utilize findings, reports, studies, hearing transcripts, and recommendations of governmental, legislative and private bodies, institutions, organizations, and individuals which pertain to the problems under study by the Commission.

(d) In addition to its other functions the Commission may—

(1) request assistance of the heads of appropriate departments, agencies, and instrumentalities of the Federal Government, of State and local governments, and other persons in carrying out its functions under this Act;

(2) upon request, assist Federal agencies in complying with the requirements of section 552a of title 5, United States Code;

(3) determine what specific categories of information, the collection of which would violate an individual's right of privacy, should be prohibited by statute from collection by Federal agencies; and

(4) upon request, prepare model legislation for use by State and local governments in establishing procedures for handling, maintaining, and disseminating personal information at the State and local level and provide such technical assistance to State and local governments as they may require in the preparation and implementation of such legislation.

(e) (1) The Commission may, in carrying out its functions under this section, conduct such inspections, sit and act at such times and places, hold such hearings, take such testimony, require by subpoena the attendance of such witnesses and the production of such books, records, papers, correspondence, and documents, administer such oaths, have such printing and binding done, and make such expenditures as the Commission deems advisable. A subpoena shall be issued only upon an affirmative vote of a majority of all members of the Com-

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mission. Subpenas shall be issued under the signature of the Chairman or any member of the Commission designated by the Chairman and shall be served by any person designated by the Chairman or any such member. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission.

(2) (A) Each department, agency, and instrumentality of the executive branch of the Government is authorized to furnish to the Commission, upon request made by the Chairman, such information, data, reports and such other assistance as the Commission deems necessary to carry out its functions under this section. Whenever the head of any such department, agency, or instrumentality submits a report pursuant to section 552a (c) of title 5, United States Code, a copy of such report shall be transmitted to the Commission.

Reports,
transmittal
to Commission.
Ante, p. 1897.

(B) In carrying out its functions and exercising its powers under this section, the Commission may accept from any such department, agency, independent instrumentality, or other person any individually identifiable data if such data is necessary to carry out such powers and functions. In any case in which the Commission accepts any such information, it shall assure that the information is used only for the purpose for which it is provided, and upon completion of that purpose such information shall be destroyed or returned to such department, agency, independent instrumentality, or person from which it is obtained, as appropriate.

(3) The Commission shall have the power to—

(A) appoint and fix the compensation of an executive director, and such additional staff personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title; and

5 USC 5101,
5331.

(B) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code.

5 USC 5332
note.

The Commission may delegate any of its functions to such personnel of the Commission as the Commission may designate and may authorize such successive redelegations of such functions as it may deem desirable.

(4) The Commission is authorized—

(A) to adopt, amend, and repeal rules and regulations governing the manner of its operations, organization, and personnel;

Rules and
regulations.

(B) to enter into contracts or other arrangements or modifications thereof, with any government, any department, agency, or independent instrumentality of the United States, or with any person, firm, association, or corporation, and such contracts or other arrangements, or modifications thereof, may be entered into without legal consideration, without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5);

(C) to make advance, progress, and other payments which the Commission deems necessary under this Act without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529); and

(D) to take such other action as may be necessary to carry out its functions under this section.

88 STAT. 1909

Compensation.

(f) (1) Each [the] member of the Commission who is an officer or employee of the United States shall serve without additional compensation, but shall continue to receive the salary of his regular position when engaged in the performance of the duties vested in the Commission.

Per diem.

(2) A member of the Commission other than one to whom paragraph (1) applies shall receive per diem at the maximum daily rate for GS-18 of the General Schedule when engaged in the actual performance of the duties vested in the Commission.

5 USC 5332 note.

Travel expenses.

(3) All members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

Report to President and Congress.

(g) The Commission shall, from time to time, and in an annual report, report to the President and the Congress on its activities in carrying out the provisions of this section. The Commission shall make a final report to the President and to the Congress on its findings pursuant to the study required to be made under subsection (b) (1) of this section not later than two years from the date on which all of the members of the Commission are appointed. The Commission shall cease to exist thirty days after the date on which its final report is submitted to the President and the Congress.

Penalties.

(h) (1) Any member, officer, or employee of the Commission, who by virtue of his employment or official position, has possession of, or access to, agency records which contain individually identifiable information the disclosure of which is prohibited by this section, and who knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, shall be guilty of a misdemeanor and fined not more than \$5,000.

(2) Any person who knowingly and willfully requests or obtains any record concerning an individual from the Commission under false pretenses shall be guilty of a misdemeanor and fined not more than \$5,000.

5 USC 552a note.

SEC. 6. The Office of Management and Budget shall—

(1) develop guidelines and regulations for the use of agencies in implementing the provisions of section 552a of title 5, United States Code, as added by section 3 of this Act; and

(2) provide continuing assistance to and oversight of the implementation of the provisions of such section by agencies.

5 USC 552a note.

Ante, p. 1897.

SEC. 7. (a) (1) It shall be unlawful for any Federal, State or local government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security account number.

(2) the provisions of paragraph (1) of this subsection shall not apply with respect to—

(A) any disclosure which is required by Federal statute, or

(B) the disclosure of a social security number to any Federal, State, or local agency maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted prior to such date to verify the identity of an individual.

(b) Any Federal, State, or local government agency which requests an individual to disclose his social security account number shall inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited, and what uses will be made of it.

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SEC. 8. The provisions of this Act shall be effective on and after the date of enactment, except that the amendments made by sections 3 and 4 shall become effective 270 days following the day on which this Act is enacted.

SEC. 9. There is authorized to be appropriated to carry out the provisions of section 5 of this Act for fiscal years 1975, 1976, and 1977 the sum of \$1,500,000, except that not more than \$750,000 may be expended during any such fiscal year.

Approved December 31, 1974.

86 STAT. 1910
Effective date.
5 USC 552a
note.

Appropriation.
5 USC 552a
note.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-1416 accompanying H.R. 16373 (Comm. on Government Operations).

SENATE REPORT No. 93-1163 (Comm. on Government Operations).
CONGRESSIONAL RECORD, Vol. 120 (1974):

Nov. 21, considered and passed Senate.

Dec. 11, considered and passed House, amended, in lieu of H.R. 16373.

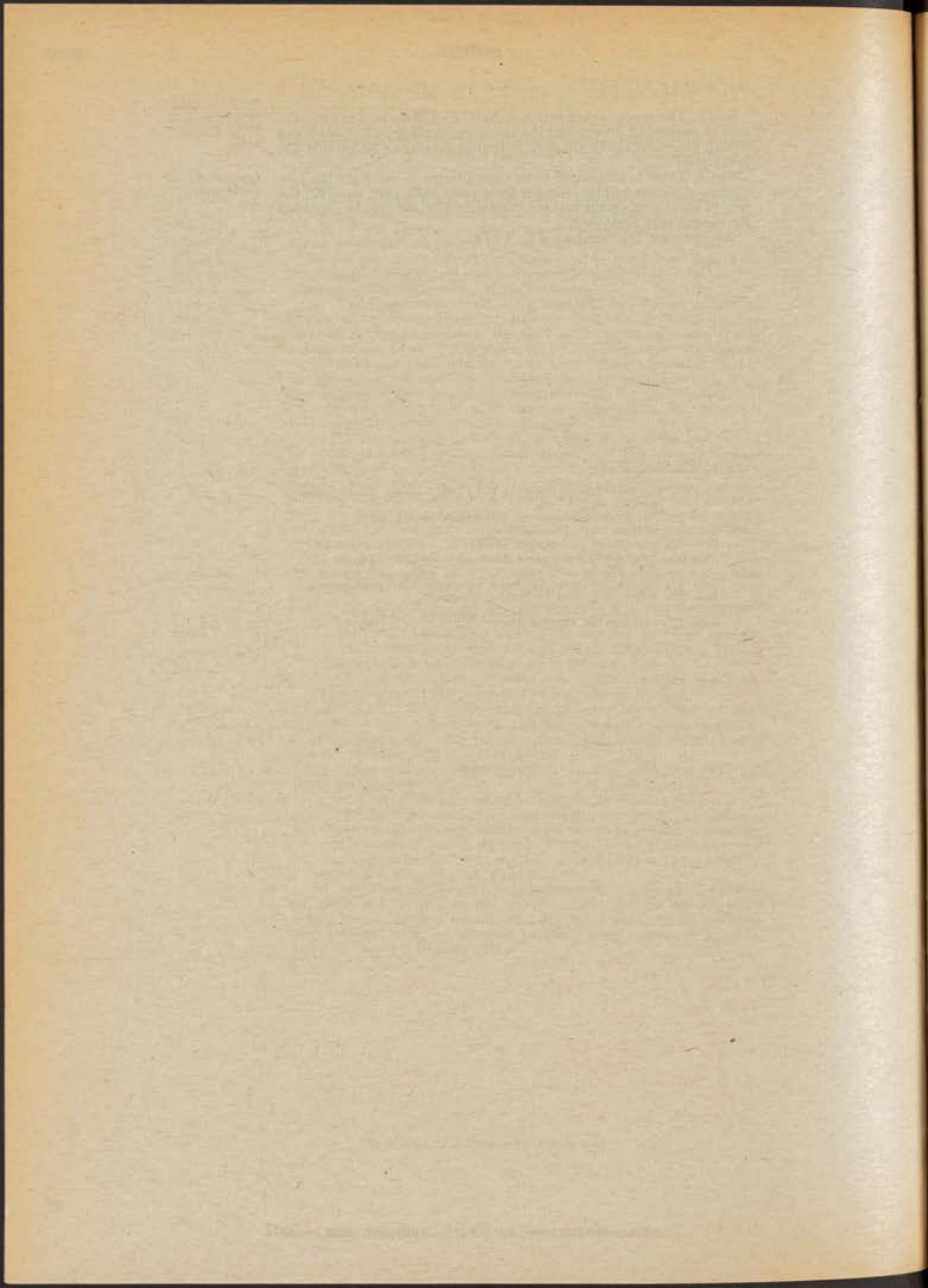
Dec. 17, Senate concurred in House amendment with amendments.

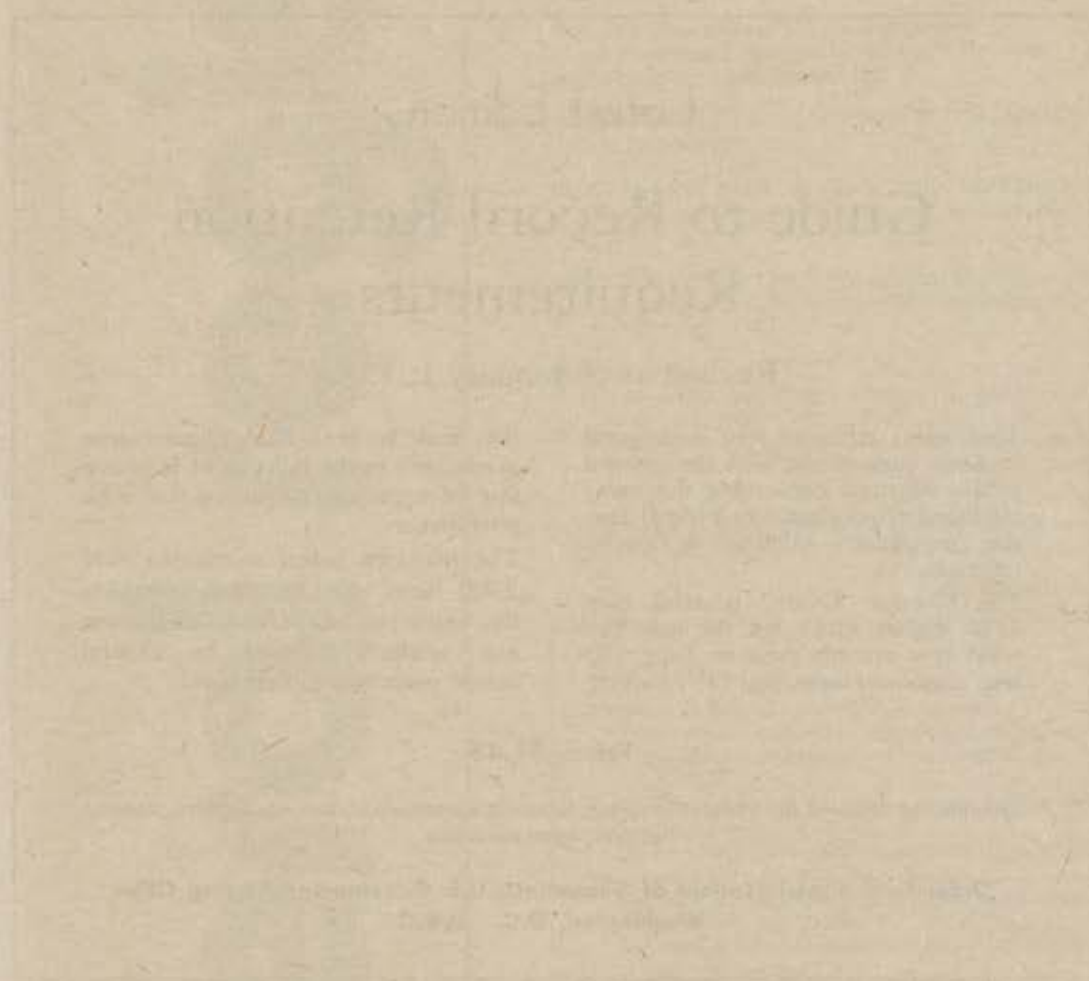
Dec. 18, House concurred in Senate amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 11, No. 1:

Jan. 1, Presidential statement.







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